

# New Jersey Division of Consumer Affairs Facts for



## New Jersey's Older Citizens

Toll-Free Senior Hotline  
1-877-746-7850



If you have questions on how to obtain an additional copy of this book, or how to have a representative of the Elder Fraud Investigations Unit visit a club, organization or senior citizen housing facility, please contact the New Jersey Division of Consumer Affairs Office at:

**State of New Jersey  
Department of Law and Public Safety  
Division of Consumer Affairs  
124 Halsey Street  
Newark, NJ 07102  
Attention: Elder Fraud Investigations Unit**

**or:**

**Call the Elder Fraud Investigations Unit directly at:**

**(973) 504-6534 (Newark Office)  
(856) 614-3100 (Camden Office)**

**or:**

**Visit the Elder Fraud Investigations Unit's Web site at:  
[www.state.nj.us/lps/ca/elder/elder.htm](http://www.state.nj.us/lps/ca/elder/elder.htm)**

**For complaints - Toll-Free Senior Hotline  
1-877-746-7850  
Division Toll-Free Line  
1-800-242-5846**

**Office of Consumer Protection's Online Complaint Form  
[www.state.nj.us/lps/ca/ocpform.htm](http://www.state.nj.us/lps/ca/ocpform.htm)**

**Office of Consumer Protection's Complaint Form (PDF file)  
to be downloaded, printed out and filled out by hand or typewriter  
[www.state.nj.us/lps/ca/form.pdf](http://www.state.nj.us/lps/ca/form.pdf)**

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**Other topics covered under the Consumer Fraud Act and its regulations, but not discussed in this booklet, are listed below. If you want information on any of these consumer issues, please call the New Jersey Division of Consumer Affairs at 1-800-242-5846, or 973-504-6200. Ask to speak with someone familiar with your area of interest. You may also contact the Division of Consumer Affairs by e-mail:**

[AskConsumerAffairs@lps.state.nj.us](mailto:AskConsumerAffairs@lps.state.nj.us)

Deceptive Mail Practices  
Delivery of Household Furniture and Furnishings  
Merchandise Advertising  
Servicing and Repairing of Home Appliances  
Sale of Animals  
Disclosure of Refund Policy in Retail Establishment  
Resale of Tickets of Admission to Places of Entertainment  
Regulations Concerning the Sale of Food Represented as Kosher  
Deceptive Practices Concerning Watercraft Repair  
Toy and Bicycle Safety  
Sellers of Health Club Services  
Motor Vehicle Advertising Practices  
Automotive Sales Practices  
Automotive Repairs  
Motor Vehicle Leasing

# An Introduction to the New Jersey Division of Consumer Affairs

A part of the Department of Law and Public Safety, the Division of Consumer Affairs (Consumer Affairs) was established in 1971 to protect the consumers of New Jersey from dishonest and unscrupulous practices. Consumer Affairs is responsible for administering the New Jersey Consumer Fraud Act and has the power to hold administrative hearings for violations of law, issue cease and desist orders, impose penalties and order restitution for consumers.

The Division protects the consumers of New Jersey through the following offices, boards and agencies:

## Office of Consumer Protection

The Office of Consumer Protection (OCP) is the agency primarily responsible for protecting New Jersey's consumers by enforcing the Consumer Fraud Act and its regulations.

The office responds to consumer complaints about merchandise and services. The most frequent complaints are about cars, home repair, telemarketing and fraudulent prize notifications. OCP conducts investigations and task force inspections, and works with the U.S. Consumer Product Safety Commission to enforce product recalls. Consumers can learn more about OCP by signing onto the Internet and going directly to [www.state.nj.us/lps/ca/ocp.htm](http://www.state.nj.us/lps/ca/ocp.htm). All of the following units may be contacted by sending e-mail to the Division at [AskConsumerAffairs@lps.state.nj.us](mailto:AskConsumerAffairs@lps.state.nj.us).

The **Action Line** of OCP provides information about companies' complaint histories. Call the Action Line at 1-800-242-5846 or 973-504-6260 to learn if a complaint has been filed against a company with whom you plan to do business. You may also wish to check with your county or municipal Consumer Affairs office and the Better Business Bureau.

The **Charities Registration Section** of OCP registers and regulates professional fund-raisers and organizations that solicit charitable contributions in New Jersey. The Charity Hotline is 973-504-6215. You can get more information about charities by going directly to the Charities Registration Section's page on the Internet: [www.state.nj.us/lps/ca/ocp.htm#charity](http://www.state.nj.us/lps/ca/ocp.htm#charity).

The **Consumer Service Center** (CSC) of OCP is the central clearinghouse for complaints and referrals. Consumers who call 973-504-6200 will be connected to a representative trained to take complaints or refer consumers to other appropriate agencies. CSC also processes written complaints. Consumers without a local Consumer Affairs office can forward written complaints to P.O. Box 45025, Newark, NJ 07101. Consumers can also go to [www.state.nj.us/lps/ca/comp.htm](http://www.state.nj.us/lps/ca/comp.htm) on the Internet and fill out the Online Complaint Form, which can be submitted immediately by sending it back to the Division electronically, or you can download the PDF Complaint Form, which is also on this Web page, print it out and fill it out by hand or with a typewriter and mail it to the above address.

The **Kosher Food Enforcement Bureau** of OCP enforces state regulations and requires establishments that sell kosher food to post the Bureau's standards of kosher and to adhere to those standards. The Bureau can be reached at 973-504-6100. Consumers can learn more about the enforcement of kosher food standards by signing onto the Internet and going directly to [www.state.nj.us/ca/ocp.htm#kosher](http://www.state.nj.us/ca/ocp.htm#kosher).

The **Lemon Law Unit** of OCP offers residents a remedy when the new car, used car or motorized wheelchair they purchased turns out to be a lemon. It also determines whether cases meet the requirements for an Office of Administrative Law hearing under the Lemon Law. The cost of processing your complaint is \$50, which is returned to you if you win your case. The Lemon Law Unit can be reached at 973-504-6226. Consumers can also learn more about the Lemon Law Unit and the rules governing the filing of a Lemon Law case by signing onto the Internet and going directly to [www.state.nj.us/lps/ca/ocp.htm#lemon](http://www.state.nj.us/lps/ca/ocp.htm#lemon).

The **Regulated Business Section** of OCP licenses athletic/booking agencies, career consulting or counseling services, headhunters, temporary health agencies, nursing registry/home health agencies, prepaid computer job-matching services, resume services, temporary-help firms, employment agencies, job-listing services, modeling and talent agencies, ticket resellers, health spas and public movers and warehousemen. Regulated Business can be reached at 973-504-6261. Consumers can also learn more about the Regulated Business Section by signing onto the Internet and going directly to [www.state.nj.us/lps/ca/ocp.htm#regulate](http://www.state.nj.us/lps/ca/ocp.htm#regulate).

## **Bureau of Securities**

The Bureau of Securities administers and enforces the state's securities law, registers securities sold in New Jersey, registers persons and firms engaged in the sale of securities or investment advice in the state and responds to investors' complaints.

Investors are encouraged to check the registration status and disciplinary history of firms and individuals before they invest. Questions and complaints should be directed to the Bureau of Securities at 153 Halsey Street, P.O. Box 47029, Newark, NJ 07101. Consumers may also call 973-504-3600. Consumers can also find the Bureau's complaint form and learn more information about the Bureau's responsibilities by signing onto the Internet and going directly to [www.state.nj.us/lps/ca/bos.htm](http://www.state.nj.us/lps/ca/bos.htm).

## **Office of Weights and Measures**

The Office of Weights and Measures works in conjunction with county and municipal offices to enforce New Jersey's weights and measures statutes. At least once a year, inspectors check every weighing and measuring device used in commercial transactions, including gas pumps, supermarket scales, unit price scanners and meters used to measure oil deliveries.

If you have a problem with a weights and measures issue, try to resolve it with the manager or owner. If they can't resolve your problem to your satisfaction, contact the New Jersey Office of Weights and Measures at 1261 Route 1 & 9 South, Avenel, NJ 07001, or call 732-815-4840. Consumers can also learn more about the Office of Weights and Measures by signing onto the Internet and going directly to [www.state.nj.us/lps/ca/owm.htm](http://www.state.nj.us/lps/ca/owm.htm).

## **Legalized Games of Chance Control Commission**

The Legalized Games of Chance Control Commission administers and enforces the Bingo, Raffles and Amusement Games Licensing Laws; coordinates uniform administration of the laws with municipal licensing authorities; registers organizations that wish to conduct bingo or raffles and monitors the use of proceeds from games according to the Bingo and Raffles Licensing Laws; and licenses amusement game operators, premise providers, equipment providers, manufacturers and distributors. Questions and complaints should be directed to the Legalized Games of Chance Control Commission, 124 Halsey Street, P.O. Box 46000, Newark, NJ 07101, or call 973-648-2710. The Legalized Games of Chance Control Commission can also be contacted by sending e-mail to the Division at [AskConsumerAffairs@lps.state.nj.us](mailto:AskConsumerAffairs@lps.state.nj.us). Consumers can learn more about the Legalized Games of Chance Control Commission by signing onto the Internet and going directly to [www.state.nj.us/lps/ca/lgccc.htm](http://www.state.nj.us/lps/ca/lgccc.htm).

## **Professional and Occupational Licensing Boards and Committees**

The Division of Consumer Affairs coordinates and supervises the work of 41 licensing boards and advisory committees that regulate approximately 75 professions and occupations in New Jersey. These boards and committees set licensing standards by promulgating rules and regulations, giving examinations, issuing and revoking licenses, taking disciplinary actions against licensees and handling consumer complaints against licensees.

Some other professions and occupations, such as securities broker-dealers, individuals working as talent agents, modeling agents and career consultants, are regulated by the civil regulatory units within the Division.

Consumers can learn more about the Division's professional and occupational licensing boards and committees by going directly to [www.state.nj.us/ca/boards.htm](http://www.state.nj.us/ca/boards.htm) on the Internet.

## **How to File a Complaint**

First, give the business, service or professional an opportunity to resolve the problem directly. If you are not satisfied with the results, then find out where the business is located and contact the Consumer Affairs office that covers that county.

You will be asked to fill out a complaint form so that all of the pertinent facts are clear. Be sure to provide copies of all correspondence, service agreements, invoices, product literature, advertisements and other relevant documents. This will help us help you. Consumers can also get a copy of the Office of Consumer Protection's complaint form by signing onto the Internet and going directly to [www.state.nj.us/ca/comp.htm](http://www.state.nj.us/ca/comp.htm). (This page is named How to File a Complaint.)

If your complaint involves a business located outside New Jersey, contact your local Consumer Affairs office for information on how to file a complaint.

If you have a new car, used car or motorized wheelchair complaint or question, call or write directly to the Lemon Law Unit, P.O. Box 45026, Newark, NJ 07101, 973-504-6226. Consumers can also get a copy of the Lemon Law complaint forms by signing onto the Internet and going directly to [www.state.nj.us/ca/ocp/lemonc.pdf](http://www.state.nj.us/ca/ocp/lemonc.pdf) for new cars, [www.state.nj.us/lps/ca/ocp/usedcar.pdf](http://www.state.nj.us/lps/ca/ocp/usedcar.pdf) for used cars and [www.state.nj.us/lps/ca/ocp/wheelapp.pdf](http://www.state.nj.us/lps/ca/ocp/wheelapp.pdf) for motorized wheelchairs.

For general questions, contact the Consumer Affairs office in your county or municipality, or go to the Division's Web site at [www.state.nj.us/lps/ca/home.htm](http://www.state.nj.us/lps/ca/home.htm).

## **Complaining about a Professional Licensed by the Division**

Contact the board that licenses the professional you are complaining about. All boards and committees are located at 124 Halsey St., Newark, NJ 07101, except for the State Board of Medical Examiners which is located at 140 E. Front Street, 2nd Floor, Trenton, NJ 08608. Submit your complaint in writing. You can find the official complaint form for every board and advisory committee of the New Jersey Division of Consumer Affairs by signing on to the Internet and going to [www.state.nj.us/lps/ca/comlink.htm](http://www.state.nj.us/lps/ca/comlink.htm). When you submit your complaint, make sure you include copies of invoices, contracts, correspondence and other documents relating to your complaint. Consumers can also write to any board or committee via e-mail at [AskConsumerAffairs@lps.state.nj.us](mailto:AskConsumerAffairs@lps.state.nj.us).

# Elder Fraud

Protecting New Jersey's seniors is a primary objective of the Division of Consumer Affairs ("Consumer Affairs"). Over 17 percent of New Jersey's citizens - or 1.4 million - are over the age of 60. Older New Jerseyans are seen as easy prey for con artists and are often targeted because they have a tendency to be more trusting and polite and can lack awareness about their rights as consumers.

Learning to recognize fraudulent schemes is the first step in protecting yourself. Notify the Division of Consumer Affairs at 1-800-242-5846 or your local Consumer Affairs office, if you have been the victim of a fraud.

There are two major areas in which older New Jerseyans are particularly vulnerable—home repair and telemarketing scams.

## Home Repair Tips

- Take time to investigate before agreeing to or signing a contract for any home improvements or repairs.
- Always get at least three written estimates and check the references of the contractor.
- Do not sign a contract without fully understanding the terms.
- Do not give out your date of birth, credit card number, bank account number or Social Security number to a company or individual you do not know and question requests from contractors to be paid in cash.
- Make sure all warranties and guarantees are in writing and contain phone numbers, names and business addresses.
- If you sign a contract in your home, or away from a contractor's place of business, you must be given notice that you have three business days in which to cancel the contract.

## Telemarketing Tips

- Always be skeptical of unsolicited calls.
- Do not assume that "charitable" solicitations are legitimate, no matter how heartwarming the cause.

Call the Division of Consumer Affairs' "Charity Hotline" at 973-504-6215 to make sure the charity is registered with the state (as it must be by law). You can also sign on to the Internet and go to [www.state.nj.us/lps/ca/charfrm.htm](http://www.state.nj.us/lps/ca/charfrm.htm), the New Jersey Charities Registration Directory, to make sure a charity is registered. In addition, you can find out how much of the money raised by the charity goes to the cause for which it is raised and how much of the money goes to administrative/fundraising costs. This information will help you make a more informed decision about which charity should receive your donation.

- Never pay for a prize. That includes postage, shipping, handling or any other costs associated with something a caller says you have "won."
- Do not give out your date of birth, credit card number, bank account number or Social Security number to people with whom you haven't done business.
- Be suspicious when a telemarketer wants to send a special courier to pick up your money.

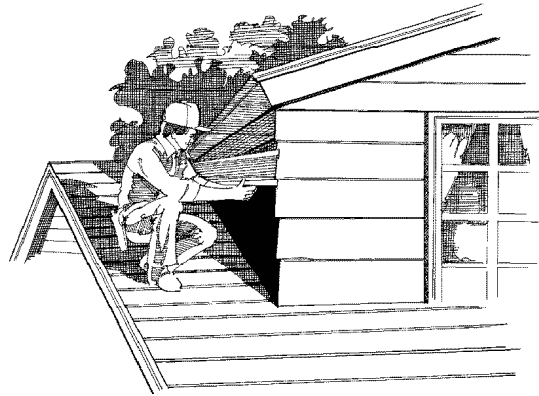
## General

- Be extremely wary of door-to-door sales, regardless of what they are selling or the courteousness of the salesperson.
- Take time to think things through when faced with high-pressure sales pitches.
- Do not be taken in by "YOU HAVE WON" notifications over the phone or by mail. Always ask questions.
- Don't ever jump into anything involving your money or property. Always remember that if the offer is legitimate, it will be there tomorrow.

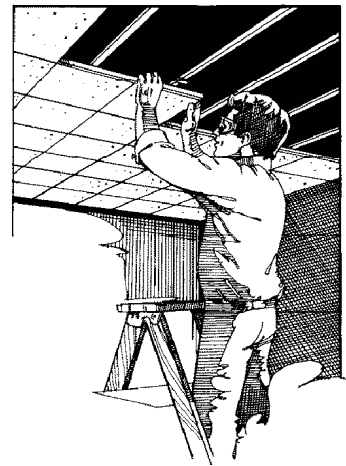


- Do not do business with a company you know little about. Call the New Jersey Division of Consumer Affairs at 1-800-242-5846 to see if there is any record of complaints about the company.
- Be wary of people who try to lure you into investments because of a high rate of return. Too many people have lost their life savings through bad investment scams. Check with the New Jersey Bureau of Securities, 973-504-3600, to check the registration of people or firms offering securities.

If you suspect a fraud, con or scam, do not be embarrassed to call the New Jersey Division of Consumer Affairs before you become a victim.



# ***Home Improvement***



# Home Improvement Tips

## About Home Improvement...

Everyone wants to improve the appearance of their home. Whether you are making minor repairs or major renovations, you can avoid problems by being informed and planning ahead.

The Division of Consumer Affairs receives more than 3,000 home improvement-related complaints each year. The *New Jersey Consumer Fraud Act* was designed to protect you from misrepresentation, fraud and deception when contracting for home repair. Below is some simple advice which can help you avoid problems and frustrations that you might encounter with your home improvement project.

## What to do...

### 1. Shop Around

- Obtain at least three written estimates. A reputable contractor or professional will never try to pressure you to obtain your business.
- Check at least three references on your contractor or professional. Many municipalities license contractors and are a good source of information. Consumers can also call the N.J. Division of Consumer Affairs Action Line at 973-504-6260 to check on complaint histories. Area Better Business Bureaus also have complaint history databases.
- Ask your contractor about his/her professional affiliations.

### 2. Know the Law

- Obtain a written contract, including a start date, completion date and brand names of expensive items such as windows. The name and address of the contractor must also be on the contract.
- Contractors must obtain all applicable state or local building and construction permits for the work to be performed and be able to produce them at your request.
- Contracts signed *in* your home must include a three-day (business days) cooling off period during which you may cancel the deal. This includes contracts signed away from the contractor's place of business.
- Make sure all warranties and guarantees are in writing.

### 3. Investigate Financing Options

- Shop for credit and be sure you understand the annual percentage rate you will have to pay.
- Make sure you avoid paying for the entire job up front. One-third in advance, one-third halfway through the job and one-third upon completion is the usual arrangement.

## Warning Signs of Unscrupulous Contractors or Professionals

- Requests a large payment before work can begin.
- Demands for cash.
- States there is no need for a written contract-a verbal agreement is enough.
- Does not have a business address, business card or in the case of plumbers and electricians, can not produce a state license number.

- Home improvement contractors who say they are “licensed”—there is no such license in New Jersey. However, home repair contractors offering financing for home repair work *must* be licensed by the N.J. Department of Banking and Insurance.

To file a complaint against any contractor or professional, call or write your local Consumer Affairs office or the N.J. Division of Consumer Affairs at P.O. Box 45025, Newark, N.J. 07101, 973-504-6200. You may also contact the Division via e-mail at [AskConsumerAffairs@lps.state.nj.us](mailto:AskConsumerAffairs@lps.state.nj.us).

## **Details of Home Improvement...**

### **About Buying Lumber**

- Lumber dealers are required by law to be licensed by the state Office of Weights and Measures.
- All lumber sold for use in New Jersey must bear a grading stamp indicating the grade, type of wood and the mill where the lumber originated.
- Treated lumber must also include a “treatment tag” indicating the preservatives used, the year of treatment, the treater’s name and location and the worst exposure conditions to which the wood should be subjected.
- The delivery ticket accompanying any order of lumber or other building materials must state the size, grade and species of the product and it must agree with the grading stamp on the lumber itself.
- If you have any questions, contact the Office of Weights and Measures at 732-815-4840.

### **About Hiring Electricians and Plumbers**

- All electrical or plumbing work that deals with wiring or plumbing connections must be performed by state-licensed professionals.
- All work must be inspected by municipal building inspectors.
- Before hiring a plumber or electrician, check to make sure he or she is licensed by calling the Board of Examiners of Electrical Contractors at 973-504-6410 or the State Board of Examiners of Master Plumbers at 973-504-6420.

### **About Hiring Architects**

- Architects and consumers must enter into contracts independent of contractors.
- Architects must be licensed. Before hiring an architect, check to make sure he or she is licensed by calling the New Jersey State Board of Architects at 973-504-6385.
- Only homeowners or their architects may draw up and sign off on home-addition plans for building permits.

### **Home Repair Complaints**

Call your local/county Consumer Affairs office or contact the N.J. Division of Consumer Affairs’ Office of Consumer Protection at 973-504-6200. Written complaints should be sent to P.O. Box 45025, Newark, N.J. 07101.

### **Financing Complaints**

The N.J. Department of Banking and Insurance regulates financial companies including home repair firms that extend financing. For information or to file a complaint write to the N.J. Department of Banking and Insurance, Consumer Affairs, 20 West State Street, CN 040, Trenton, N.J. 08625.

# Board of Examiners of Electrical Contractors

The New Jersey Board of Examiners of Electrical Contractors was established in 1962, pursuant to N.J.S.A. 45:5A. The board consists of nine (9) members, appointed by the Governor. Three (3) of the members are qualified electrical contractors; one (1) member is a qualified electrical inspector; one (1) is a qualified journeyman; two (2) are public members not associated with the electrical industry; one (1) is a licensed professional engineer and one (1) is a state government representative.

## **The purpose of the board is:**

- to protect the health, safety and welfare of the people of New Jersey;
- to regulate the practice of electrical contracting; and
- to ensure that electrical contracting is performed in a safe manner.

## **How does the board accomplish its purpose?**

The board protects the public:

- by ensuring that all electrical contractors meet the experience and educational requirements of the board;
- by investigating and prosecuting electrical contractors who have violated the Electrical Contractors Licensing Act of 1962; and
- by requiring that all electrical contractors be licensed and hold a valid business permit, which is renewed every three years.

## **What are my rights as a consumer if I have a complaint against an electrical contractor?**

Every consumer has a right to file a complaint against an electrical contractor by writing to:

Board of Examiners of Electrical Contractors  
124 Halsey Street  
P.O. Box 45006  
Newark, New Jersey 07101  
973-504-6410

## **How are complaints resolved?**

If the complaint is within the board's jurisdiction:

- the complaint may be referred to an investigator who may contact you for additional information;
- the electrical contractor will be asked to respond to your concerns; and
- the board will evaluate the complaint and the licensee's response to determine if there was a violation of the electrical contracting laws.

## **What happens next?**

- If the board believes a violation did occur, the board may call for an inquiry to investigate the complaint. If the testimony warrants it, the board may then schedule a formal hearing. This is a disciplinary proceeding. The board may then take actions ranging from letters of admonishment to license suspension or revocation, and imposing penalties.
- During disciplinary proceedings, licensees may be represented by an attorney and are given the right to demonstrate their compliance with the law. Once the board has taken action against the licensee, he or she has the right to appeal the action.
- You will be notified, in writing, when the complaint is resolved.

## **Consumer Tips**

- Contact the Board of Examiners of Electrical Contractors to make sure you are hiring a licensed electrical contractor who has a current license and business permit and is in good standing. The number to call is 973-504-6410.
- Do comparison shopping before hiring an electrical contractor. Solicit at least two or three bids, based on the same materials, labor and time needed to complete the project.
- Be sure to get everything in writing and read all contracts carefully before signing anything. Your contract should state that the work is to be performed in accordance with all applicable building codes.
- Do not sign a partial or blank contract.
- Excluding downpayments, pay only for completed work. Discuss with your electrical contractor the stages of work to be done, and pay as the work is finished.
- Check with your local building department and the electrical subcode official, before the job is started, to find out if a permit is required and who is responsible for obtaining the permit.
- In addition to being licensed, electrical contractors have a business permit which shows their business name and business permit number. Ask to see the contractor's business permit ID card to verify the information he or she has given you.
- Check references.

If you have any questions you may contact the board at 800-242-5846 or 973-504-6410.

# State Board of Examiners of Master Plumbers

The State Board of Examiners of Master Plumbers consists of nine (9) members appointed by the Governor. Three (3) members are master plumbers, one (1) is a local plumbing inspector, one (1) is a journeyman plumber, three (3) represent the public and have no association with the plumbing industry, and one (1) is a state government member.

## **The purpose of the board is:**

- to protect the health, safety and welfare of the people of New Jersey;
- to regulate the practice of plumbing; and
- to ensure that plumbing is performed in compliance with state law.

## **How does the board accomplish its purpose?**

The board protects the public:

- by making sure that master plumbers meet all educational requirements for licensure;
- by investigating and prosecuting master plumbers who have broken the state's consumer protection laws; and
- by requiring all master plumbers to be licensed by the state and renew their licenses biennially.

## **What are my rights as a consumer if I have a complaint against a master plumber?**

Every consumer has the right to file a complaint against a master plumber. Complaints may be filed by contacting:

State Board of Examiners of Master Plumbers  
124 Halsey Street  
P.O. Box 45008  
Newark, New Jersey 07101  
973-504-6420

## **How are complaints resolved?**

If the complaint is within the board's jurisdiction:

- the complaint may be referred to an investigator who may contact you for additional information;
- the master plumber will be asked to respond to your concerns; and
- the board will evaluate the complaint and the master plumber's response and determine if the complaint involves a violation of law.

## **What happens next?**

- If a violation did occur, the board may issue a reprimand, or revoke or suspend the license of the master plumber. The board may impose monetary penalties or take other appropriate action.
- During disciplinary proceedings, licensees may be represented by an attorney and are given the right to demonstrate their compliance with the law. Once the board has taken action against the licensee, he or she has the right to appeal the action.
- You will be notified, in writing, when the complaint is resolved.

## Consumer Tips

- Contact the State Board of Examiners of Master Plumbers to make sure you are hiring a licensed master plumber who is in good standing. The number to call is 973-504-6420.
- If it is not an emergency, contact your local construction official for guidance regarding renovation work.
- If possible, do comparison shopping before hiring a master plumber. Solicit at least two or three bids, based on the same materials, labor and time needed to complete the project.
- Be sure to get everything in writing and read all contracts carefully before signing anything. Your contract should state that the work is to be performed in accordance with all applicable building codes and zoning regulations.
- Do not sign a partial or blank contract.
- Excluding downpayments, pay only for completed work. Be sure to discuss with your master plumber each phase of the work to be performed, and pay accordingly.
- Check with your local department of licensing and permits, before the job is started, to find out if a permit is required and who is responsible for obtaining the permit.
- Check references.

If you have any questions you may contact the board at 800-242-5846 or 973-504-6420.



# ***Telemarketing***



# Charitable Giving of NJ Consumers

With over one million charities to select from throughout the country, sometimes the choices can be overwhelming. The citizens of New Jersey generously donate their time and money to thousands of deserving charitable organizations. The majority of charities are reputable and do their best to use your contribution for worthwhile charitable activities.

Some, however, are unscrupulous organizations posing as charities. These “charities” use various fund-raising approaches including door-to-door solicitation, canisters, direct mail, radio and television pleas, and telemarketing.

## When You Decide to Contribute Beware of:

- High pressure phone calls urging you to give immediately.
- Phone calls that tell you that you have won a large amount of money or other valuable prizes from a “charity.”
- Callers who say that a messenger or delivery service will come to your home to pick up your contribution.
- Solicitors who claim you gave in the past, when you have no recollection of the past contribution.

## Tips for Charitable Giving

### ✓ *Know Your Charity*

Never give to a charity you know nothing about. Ask for literature and read it. Ask questions. Honest charities encourage you to do so.

### ✓ *Don't Be Fooled by a Convincing Name*

A dishonest charity will often have an impressive name, or one that closely resembles the name of a respected, legitimate concern.

### ✓ *Demand Identification*

Always ask to see identification for both the solicitor and the charity. Be suspicious of anyone who can't respond satisfactorily. All solicitors must disclose whether they are a volunteer or a paid solicitor. If they do not tell you, you may report the organization to the Division of Consumer Affairs.

### ✓ *Beware of Telephone Solicitations*

Refuse to commit yourself on the first call. If the charity sounds worthwhile, ask to be sent written information. All worthwhile charities recognize the value of sending such information far outweighs the cost of the stamp.

### ✓ *Don't Fall for the Tearjerker*

Don't give simply because of a pathetic “sob story.” The hard luck tale is a favorite of fraudulent operators.

### ✓ *Don't Succumb to Pressure*

Don't let yourself be pressured into giving and don't feel you have to contribute on the spot. No legitimate organization will expect you to contribute immediately, even if you have given in the past.

### ✓ *Check Out Mail Solicitations*

Mail solicitations are often accompanied by a trinket or other item which you are told you can keep if you contribute. Federal law says that unless you asked for the item you may keep it without making a contribution.

### ✓ *Ask About Professional Fund-raisers*

Charities sometimes hire professional fund-raisers. These professional fund-raisers may keep as much as 90% of the money raised as fees and expenses. Ask the solicitor if a professional fund-raiser is being used and if so, what percentage of the total money will actually go to the charity which is asking for your help. Remember 100% of the money raised never goes to the charity; the fund-raiser must be paid.

## Some Important Don'ts

- △ Don't give your credit card number to strangers on the phone!
- △ Don't respond to letters that say you have pledged money, unless you are 100 percent certain you did. Keep track of your donations.
- △ Don't pay attention to harassing letters. Authentic charities might send you a polite reminder, but will not pester you or report you to a credit rating agency. Even if you agree to donate over the phone, if you are uncomfortable with the pledge, you are not legally obligated to make the donation.
- △ Don't give cash. Write a check and make it out to the charity.

## For More Information

The Charities Registration Section has registered more than 10,000 charities and 250 professional fund-raising firms. The Division regulates fund-raising activities and investigates reports of illegal operations. It prosecutes offenders and in some instances is able to have fraudulently solicited monies returned. But the best protection you have is using your common sense and following the tips provided here.

If you would like to find out if a charity is registered, whether it uses a professional fund-raiser, or has a history of complaints, call the Charities Hotline at 973-504-6215, or sign on to the Internet and go to [www.state.nj.us/lps/ca/charfrm.htm](http://www.state.nj.us/lps/ca/charfrm.htm) to make sure a charity is registered. You may also contact the Division via e-mail at [AskConsumerAffairs@lps.state.nj.us](mailto:AskConsumerAffairs@lps.state.nj.us).

New Jersey Department of Law and Public Safety  
Division of Consumer Affairs  
Charities Registration Section  
153 Halsey Street  
PO Box 45021  
Newark, New Jersey 07101  
973-504-6215

## For Other Help Contact:

**Federal Trade Commission**  
Correspondence Branch  
6<sup>th</sup> and Pennsylvania Avenue, NW  
Washington, DC 20580  
202-326-2222, TDD: 202-326-2502

Your comments help in its law enforcement efforts. For a list of more than 100 free publications on telemarketing fraud and other consumer issues, write for a copy of Best Sellers, Public Reference, FTC, Washington, DC 20580.

**FTC Regional Office**  
150 William Street, 13<sup>th</sup> Floor  
New York, NY 10038  
212-264-1207

# Telemarketing Tips for New Jersey Consumers Avoiding Telefraud and 900 Number Scams

Your telephone rings and a stranger, even an automated voice, is trying to sell you:

- get-rich-quick investments
- lists of jobs
- magazine subscriptions
- vitamins
- low-cost vacations
- dating services
- office supplies
- travel packages
- tickets to a circus show to benefit handicapped children

Telemarketing, selling products or services by phone, is an important and legitimate way of doing business. But TELEFRAUD, fraudulent telemarketing - often in connection with 900-line scams - will cost consumers nearly a billion dollars this year. Professional scam artists peddle everything from overpriced and useless water “purifiers” to credit repair services. New telephone scams are invented daily, often by out-of-state and fly-by-night businesses.

Working closely with the Federal Trade Commission and other state attorneys general, New Jersey has taken a leadership role in the effort to stop telefraud.

However, fraudulent telemarketers can be hard to track down. Most are fly-by-night operators who can easily shut down and move to another town or state once an investigation begins.

Therefore, YOU play a key role in the fight against telemarketing fraud. The best way to stop telemarketing scam artists is for today’s consumers to take control and become informed telephone shoppers.

## Be wary

- “Free” gifts that require you to buy or do something before you receive your gift.
- High-profit, no-risk investments. No high-profit investment is free of any risk!
- High-pressure sales pitches claiming “you have been specially selected” and urging you to “act now.”
- A request for your credit card number or your checking account number.
- Organizations that are unfamiliar to you or that have only a P.O. Box for an address.
- Salespeople who refuse to provide information about the organization.
- Offers that require you to dial a 700, 900 or 976 number.

## Think First

- Never, under any circumstances, give out your credit card number, your checking account number or the name of your bank unless you know the organization is reputable.
- Avoid paying cash. Always get and keep receipts.
- Don’t be pressured into sending payment by messenger or overnight mail.
- Insist on getting written information about the organization. Don’t assume an organization is legitimate because it has an impressive-looking brochure.

- Call your N.J. Consumer Affairs Action Line at 973-504-6200 to find out if any complaints have been filed against the company calling you.
- If the caller can't or won't answer your questions or if you are being pressured or intimidated, HANG-UP!
- Don't make any immediate decisions. Get more details before you act!

## **900 Number Alert**

Before you dial a 700, 900, or 976 number, you should ask yourself:

- Is the information offered worth the final cost to you?
- Is the information available anywhere else for free?
- Are you sure you know what the call will cost? (A \$2 per minute call seems cheap unless it takes 8 minutes to listen to all of the information.)

# Retake Control Over Your Telephone and Mailbox

These days we are inundated with solicitations for products and services in which we have no interest. In order to reduce unwanted telemarketing calls and direct mail solicitations, you may call, write or E-mail the businesses and organizations below, asking them to remove your name and address from their mailing/calling lists.

## TELEMARKETING CALLS

To stop telemarketing calls, put your home and/or mobile phone numbers on the national “Do Not Call” registry, administered by the Federal Trade Commission. Registration is free.

You may register by phone at: 1-888-382-1222

You may register on line at: [www.donotcall.gov](http://www.donotcall.gov)

For more information about the federal registry, log onto: [www.ftc.gov/donotcall](http://www.ftc.gov/donotcall)

On May 21, 2003, New Jersey signed into law legislation imposing tough restrictions on the telemarketing industry and establishing New Jersey’s own “Do Not Call” list. Regulations to implement this law are being developed. You may wish to periodically check the Web site of the New Jersey Division of Consumer Affairs at [www.state.nj.us/lps/ca/home.htm](http://www.state.nj.us/lps/ca/home.htm) for updates on the implementation of this new law.

## NATIONAL DIRECT MAIL

To stop receiving national mailings, please contact:

The Direct Marketing Association  
Removal From Mailing List  
DMA Mail Preference Division  
P.O. Box 643  
Carmel, NY 10512  
212-768-7277

Donnelly Marketing  
Database Operations  
416 South Bell  
Ames, IA 50010  
888-633-4402

You may reach them by E-mail at: [www.dmaconsumers.org/consumerassistance.html](http://www.dmaconsumers.org/consumerassistance.html)

## **LOCAL DIRECT MAIL/COUPONS/PRODUCT SAMPLES**

To stop receiving “local” mailing campaigns addressed to “Resident,” please contact:

### **ADVO**

10 Univac Lane  
Windsor, CT 07089  
860-520-3200

### **Money Mailer**

14271 Corporate Drive  
Garden Grove, CA 92843  
714-265-4100

### **Val-Pak Coupons**

Address Information Department  
8575 Largo Lakes Drive  
Largo, FL 33773  
800-237-2871

## **PRE-APPROVED CREDIT AND INSURANCE OFFERS**

To ensure your name and address are not shared with companies offering pre-approved credit and insurance benefits, please contact:

### **Credit Reporting Industry Opt-Out**

P. O. Box 919  
Allen, Texas 75013  
888-567-8688

By calling this number, you will “opt-out” of information given out by Experian, Equifax, Trans Union and Innovis.

# Sample Postcard

<b>Your Name</b> <b>Address</b> <b>City, State ZIP Code</b>	<b>U.S.</b> <b>Postage</b> <b>Stamp</b>
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**Dear Sir or Madam:**

**Please remove my name and address from your mailing list:**

**Your Name**  
**Address**  
**City, State ZIP Code**

**— OR —**

**Please remove the following telephone number from your list:**  
**(000) 000-0000**



# ***Finance/ Securities***



# New Jersey Bureau of Securities

The Bureau of Securities is part of the Division of Consumer Affairs under the Department of Law and Public Safety. The bureau protects the investing public from fraud and abuse by administering the New Jersey Uniform Securities Act (1967), commonly known as the New Jersey Blue Sky Law.

To do business in New Jersey, firms that buy and sell securities (“broker-dealers”), their salespersons (“agents”) and persons who give investment advice (“investment advisors”) must register with the bureau. In addition, all securities offered in the state, and not exempt from registration, must be registered.

The requirement to register a security is a key enforcement tool in stopping fraudulent securities offerings. The registration of firms and individuals is designed to assure that these registrants meet minimum qualifications.

Broker-dealer firms applying for registration are reviewed for adequate capital reserves and a lack of prior securities law violations. Agents and investment advisors are checked for disciplinary history and educational and employment background.

While the bureau’s registration procedures can help to keep unsuitable securities professionals and products out of the marketplace, additional consumer safeguards also exist. Through its investigative powers, the bureau can act on complaints from the public.

An investigation might begin as the result of a consumer complaint made in writing or by telephone. The bureau also conducts periodic on-site examinations of broker-dealers and investment advisors to determine whether they meet the requirements of the New Jersey Uniform Securities Act (1967). At the conclusion of the investigation, recommendations to take enforcement action might be made.

In enforcing the securities law, the bureau has the authority to deny, suspend or revoke the registrations of persons and securities. The bureau may impose monetary penalties and issue cease and desist orders. It may also seek other remedies in court.

The bureau, headed by Franklin L. Widmann, receives assistance in enforcing the securities law from the Divisions of Law and Criminal Justice, which also operate under the Attorney General. Moreover, the bureau attempts to coordinate with other state and federal agencies where there is possible overlapping jurisdiction.

If you would like to check the registration of persons or firms offering securities, or if you have a question or a complaint, you may contact the Bureau of Securities at 153 Halsey Street, P.O. Box 47029, Newark, New Jersey 07101, 973-504-3600.

# Bulletin for Senior Investors

Senior citizens cannot leave the fate of their retirement nest eggs to chance. There is always some element of uncertainty in investing, but when the money at stake represents a lifetime of savings or a lump-sum pension payment – money that is crucial for retirement and cannot be recaptured – taking undue risk may spell disaster. Unfortunately, it can sometimes be difficult for you to know when the risk is too great, or if you are being misled into investing in a product that is unsuitable for your needs.

## Here are some tips you can use to take charge of your money:

**Map out your financial goals before you meet with a financial planner, broker, investment advisor, or any other investment professional.** You should first have a firm grasp of your short and long-term investment goals and needs before you consult with an expert. How much income will you need to meet fixed expenses apart from any pension or Social Security income? Do you have children or grandchildren to educate? Are your elderly parents in need of care? How is your own health? You need to determine your own budget needs and your ability to tolerate risk first, and then decide what kinds of investments would best fulfill these goals.

This also means you should take the time needed to understand the various investment products available to you. If you receive a lump-sum pension payment or an early retirement pay-out, you may feel pressure to invest it quickly in order to avoid adverse tax consequences. Sound investing requires careful consideration.

If you need time to fully explore your options, put the funds in a money market account and then invest once you feel ready to do so. Otherwise, you may be susceptible to high-pressure sales tactics. A quick fix is not the answer in this situation.

**Know your investment firm and representative.** The first step in dealing with an investment professional is to check with the New Jersey Bureau of Securities regarding his or her professional registration or disciplinary history. You can reach us by phone at 973-504-3600. Or write to: State of New Jersey, Division of Consumer Affairs, Bureau of Securities, P.O. Box 47029, Newark, NJ 07101. You should avoid doing business with financial professionals who have a record of state, federal, and self-regulatory disciplinary actions, negative arbitration decisions and civil litigation judgments.

Always take time to interview two or three investment professionals before settling on one who seems to understand your needs. Recognize that a broker who uses the title “financial consultant” or “investment counselor” does not necessarily have any extra training or expertise other than that of selling stocks and bonds. If you are working with an investment advisor, ask to see both parts of his or her Form ADV. (They are required to give you Part Two, which sets out the advisor’s method of compensation, education, areas of expertise, investment strategies and business methods.) Part One can also be helpful, as it includes the advisor’s disciplinary history, which could provide warnings. Remember, contact the New Jersey Bureau of Securities to see if we have any information on the individual.

**Understand your investment.** Focus on the whole range of the investment’s characteristics in your decision-making, not simply on promises of a high return. Before you purchase an investment, you should understand the cost, degree and nature of the risks, investment goals (e.g., income with a high degree of safety), performance history, and any special fees associated with the investment. Never assume that your investment is federally insured, low-risk or guaranteed to deliver a certain return. A broker who sells investments on the premises of a bank is part of the bank, but investments are not protected by FDIC insurance.

You should not rely on oral statements for assurance -- get it in writing, and make sure you understand the information you are given. Once you have that information, check it against your own goals and risk tolerance to see if the recommended type of investment is good for you.

The most detailed source of information on an investment product is the prospectus (or similar offering document). Unfortunately, most prospectuses are too long and technical for anyone other than a sophisticated investor to comprehend. However, you don't have to read every word to understand the nature and risk of the investment. Pick out the essential information provided in the document to determine if the product is right for you.

For a mutual fund, for example, be sure to get answers to the following:

- What are the fund's goals and investment strategies?
- What are the fees and other costs involved, and how do they compare with similar funds?
- How are the costs determined?
- What is the fund's performance and management history? How does it compare with similar funds?
- What are the risks involved with each of the investments in a bond or mutual fund? How does it compare with similar funds?
- Are derivatives part of the fund? If so, are they used for hedging or speculating?
- Who makes investment decisions for the fund?
- Who can you call for more information?

These are a few of the questions to ask about a mutual fund. Your library is a good source for publications on investing. For example, the research firm Morningstar publishes detailed analyses of investment products. The Securities and Exchange Commission also has brochures about investments.

## **Understand how your financial professional is making money by selling an investment**

If you want truly objective advice, you have to be prepared to pay for it. A fee-only financial planner will charge you a certain amount up front, but does not earn income based upon what recommendations he or she makes to you. However, brokers and most financial planners are paid through commissions on the sales of investments, which means they get a percentage of the money you allocate toward a particular investment.

For example, if you give them \$5,000 to invest in a mutual fund, their commission may be 4 percent, or \$200, making your actual investment in the fund \$4,800. When the commission is deducted from your investment, you lose not only that money, but the investment income it would have earned over time. A good rule of thumb: the amount of the commission depends on the type of product and its associated risk. So, in most cases, the higher the risk, the higher the commission.

If a broker uses the title "financial analyst" or "investment consultant" it does not mean that they provide objective financial advice. Don't confuse a sales pitch with impartial advice that is suited to your particular needs. Be wary of brokers who seem too eager to put you into an in-house mutual fund, or in exotic investments you know nothing about. Ask the broker if he or she will receive any extra commission or other incentives for selling you a certain product.

## **Exercise particular caution when buying uninsured investments on the premises of a bank**

Although a bank may provide you with more convenience and be less intimidating than a brokerage firm, it does not provide you with any more assurance against the possible loss of principal in an uninsured investment. In fact, the brokerage firms affiliated with banks sometimes offer only a limited range of investment options, and may be prone to pushing their own products. While you may feel more comfortable dealing with your bank (or someone else doing business there), you should not let convenience guide your decision about where to invest. Remember that investments are not FDIC insured.

## **Make sure you fully understand your account statements**

Your account statement should reflect only the pattern of investing that you have authorized. If you note a discrepancy, raise the problem immediately with your broker and the branch manager who supervises the broker.

Review your account statement to see how your investments have performed and how much they are costing you in commissions and fees. Since you are unlikely to find this information on your account statement, ask your financial professional to calculate these figures, and have the written results sent to you. Do not work with a financial professional who is unwilling or who claims to be unable to provide this information.

Don't be embarrassed to ask questions about the meaning of unfamiliar terms and abbreviations that appear on your statement. An investment professional who is unwilling to take the time to answer your questions probably should not be entrusted with your life savings. The account statement is your primary tool to police your investments, so make sure to take full advantage of it.

## **Never be afraid to ask questions at any stage of the investment process**

You are the person in control of your money, even if you hire an expert to help you manage it. *Don't sign over discretion for your account to your broker, as his or her idea of a "good trade" may not be in your best interest.* You have every right to ask a financial professional why he or she is making a certain recommendation, what the alternatives and the risks are, and what the commissions or fees are. If you are uncertain about a product, or what is being told to you, ask questions until you understand. If someone tries to assure you by stating that an uninsured investment is as safe as "the money in your pocket," it is time to walk out the door...while your money is still in your pocket!

For more information, contact: State of New Jersey, Division of Consumer Affairs, Bureau of Securities, 153 Halsey Street, 6th Floor, P.O. Box 47029, Newark, NJ 07101, 973-504-3600.

# Bureau of Securities Most Frequently Asked Questions

## **1. How do I resolve a dispute with my securities agent or investment adviser?**

First, attempt to resolve the problem by speaking directly with your agent or investment adviser; and then with the branch office manager. If you are not satisfied with their response, contact the legal and compliance department at the firm's headquarters. Keep written notes of conversations and copies of all correspondence. If you cannot resolve the problem within a reasonable period of time, you may wish to speak with an attorney about pursuing arbitration or other legal action, and you should also file a complaint with the New Jersey Bureau of Securities and other regulators including the Securities and Exchange Commission (SEC) and the National Association of Securities Dealers (NASD).

## **2. What is the difference between a financial planner, an investment adviser and a securities agent (or "broker")?**

Anyone can call himself a financial planner. If financial planners or firms that do financial planning provide specific investment recommendations concerning securities for a fee, they must register as an investment adviser under New Jersey law, or prove that they are exempt from registration. Investment advisers may be paid a flat fee or a percentage of the value of your account, or they may earn a commission on your investment transactions. A securities agent buys and sells securities for a broker/dealer, commonly known as a brokerage firm. Agents earn a commission on the securities transactions that they recommend and execute for your account.

## **3. How do I check out a securities agent or a financial adviser?**

Weigh the qualifications of a financial professional the same way you would a doctor, lawyer or accountant. Look for several years of experience, combined with a stable record of employment, appropriate educational credentials and solid references from people you know and trust.

Once you narrow your search, call the New Jersey Bureau of Securities to obtain an information request form. Complete the form and return it to the Bureau of Securities. A CRD report, which gives details of the securities agent's registration status, employment history, education and any disciplinary action taken for violation of securities laws, will be sent to you. For investment advisers, disciplinary history is reported on Part I of Form ADV, a document filed with the SEC. If your investment adviser will not show you Part I, request a copy from the SEC by fax at 202-628-9001 or in writing to the SEC, 450 Fifth St. NW, Washington, D. C. 20549 Attn: Public Reference Room.

## **4. What is the difference between a full-service and a discount brokerage firm?**

A full-service firm customarily offers a wide range of investments, provides research materials and makes specific recommendations through its agents. First-time investors and those without the time or inclination to do their own research often choose this type of brokerage firm. Discount brokerage firms provide limited services while offering discounted commission rates. More experienced investors and frequent traders who make their own investment decisions might prefer to deal with a discount brokerage. While discount firms do not usually furnish advice or research, the differences between full-service and discount firms have blurred within the last few years.

## **5. My securities agent of many years has left the firm and another agent has called to say he or she is taking over his accounts. Is this normal practice?**

While one or more agents typically "take over" the clients of a departing agent, you should not assume that the new person knows your financial situation well enough to begin doing business with you. The "know your customer rule," an NASD rule governing all registered representatives of brokerage firms, requires that the agent make suitable recommendations in light of your other holdings and your financial situation and needs. Arrange a personal meeting with the new agent and ask him or her to update your "new account form" and provide you with

a copy. This form requires that the agent ask questions about your assets, investment experience and tolerance for risk. This form is often the most valuable document used when pursuing an arbitration or other legal action. If you are not satisfied with the agent assigned to you, ask the branch manager to make a switch, and be specific about your preferences.

**6. I'm not happy with my securities agent. How can I transfer my account without having to deal with this individual directly?**

If an unresolved dispute is the cause of your dissatisfaction, or if you suspect fraud, report the problem immediately to the branch office manager and follow the steps outlined in Question 1 above. If the problem is simply one of "bad chemistry," you may ask the branch manager to reassign your account to another agent. If you wish to change brokerage firms entirely, the new firm can handle the transfer for you through a system called "ACAT" — Automatic Customer Account Transfer. Generally speaking, you do not need to have any personal contact with your old agent in order to transfer your account(s) through the ACAT system.

**7. I have an old stock certificate, and I do not recognize the name of the company. How do I find out if it has any value?**

If you currently do business with a brokerage firm or a certified public accountant, ask for a trace of the company name and a quote of the market price on a complimentary basis. Otherwise, call or write to the office of the Secretary of State in the state of incorporation to ask whether the company is still in business, or is doing business under a different name (expect to pay a fee). For companies incorporated in New Jersey, write to the Department of State, Division of Commercial Recording, 820 Bear Tavern Road, Trenton NJ 08625-0308, telephone 609-530-6400. Visit a public library with a large business reference section to consult the Robert D. Fisher Manual of Valuable & Worthless Securities, the Wall Street Journal on microfiche, and other useful reference materials.

**8. I am handling the estate of a deceased relative. How do I transfer ownership of the securities from the name of the deceased to the person inheriting the securities?**

If you currently do business with a brokerage firm, ask if the firm will handle the transfer for you. Otherwise, call the company's shareholder relations department for the name and telephone number of the company's transfer agent. The transfer agent can provide specific information about the documents required for legal transfer.

**9. No-load, back-end load. . . how do I select the mutual fund fee structure that is right for me?**

Start by reading the mutual fund prospectus thoroughly. Make a list of all items described as fees, charges or expenses. These include front-end loads, back-end charges (or contingent deferred sales charges), redemption fees, exchange fees, management fees, 12b-1 fees and a category called "other expenses." Then, visit your public library to consult a mutual fund rating reference such as Morningstar, which publishes cost averages for the various fund categories. If your fund's fees exceed the average, ask your agent or mutual fund company representative to explain.

**10. Ponzi and pyramid schemes are in the news. What are they, and how can I protect myself?**

Pyramid schemes depend on the recruitment of new participants — the base of the pyramid — in order to deliver a promised return to those who invested first --the top of the pyramid. It doesn't take long for the scheme to run out of fresh recruits, who are needed to keep up the appearance of profit generation. The pyramid collapses, leaving all but the original "insiders" defrauded.

A Ponzi scheme is a type of pyramid that uses money from new investors to pay interest and principal to earlier investors, until the scheme collapses. Warning signs of Ponzi schemes include promises of very large returns within a short period of time ("double your money in 60 days!"), an aggressive recruiting effort by a few satisfied early investors, and claims of a "can't lose" money-making strategy that others have simply overlooked.

For further information you may either write or call the Bureau of Securities, P.O. Box 47029, Newark, NJ 07101, 973-504-3600.

# ***Health***





# State Board of Medical Examiners

The State Board of Medical Examiners (BME) was created by the Legislature over 100 years ago to ensure New Jersey's doctors were rigorously trained and ready, willing and able to safely treat New Jersey's citizens. The BME sets education, training and examination requirements for New Jersey's 30,000 doctors and disciplines those physicians who do not comply with the standards set by law.

The BME is composed of 21 gubernatorial appointees. Twelve physicians, one podiatrist, three public members, a certified nurse midwife, a licensed physician assistant, a bio-analytical laboratory director, a designee of the Commissioner of Health and a government liaison member. The Board licenses doctors of medicine (M.D.), doctors of osteopathic medicine (D.O.), podiatrists (D.P.M.), acupuncturists, bio-analytical lab directors (B.L.D.), hearing aid dispensers (H.A.D.), certified nurse midwives (C.N.M.), physician's assistants (P.A.) and athletic trainers (A.T.).

If you call the State Board of Medical Examiners at 609-826-7100, the BME can give you the following information:

- Verification that an individual is currently licensed and in good standing;
- Date of licensure, license number and address of a licensee;
- Degree held and name of institution where it was obtained; and
- Information concerning any public board actions involving the practitioner, such as a filed Attorney General's complaint consent order or final order imposing a revocation of license, suspension, reprimand, probation, fines or other public discipline or remedial requirements.

New Jersey law does not permit the BME to release information regarding consumer complaints still under investigation or information regarding prior complaints where the BME has found no public disciplinary action to be warranted.

Consumers are encouraged to use the BME complaint form when filing a complaint. This provides a convenient format to assist the BME in obtaining accurate and complete information. A complaint form may be obtained by calling 609-826-7100.

Generally speaking, the BME does not have jurisdiction to take action regarding fee disputes unless fraud is suspected or the fees are excessive. A fee is considered to be excessive when it is determined to be "...manifestly unconscionable or overreaching under the circumstances." Be aware that the submission of an excessive fee complaint to the BME does not relieve a consumer from the legal responsibility to pay a professional fee. Consumers are cautioned not to jeopardize their credit rating by delaying payment of medical bills during the course of a board investigation, in the hope that the BME may later find in their favor. If the BME does find the complaint merited, the BME can later order reimbursement to the consumer.

Fee complaints that do not meet the regulatory standards to be considered "excessive" or which do not involve questions of medical care may, after review by the BME's medical director, be referred to the Division of Consumer Affairs' Alternative Dispute Resolution (ADR) Unit. This free mediation service has an extraordinary record of resolving a great number of consumer disputes. You will be notified if your complaint has been referred to the ADR. Both parties in the dispute (the physician and the patient) must agree to mediation.

## What happens to my complaint?

Except in unusual circumstances, the BME will provide the practitioner with a copy of the complaint. A written response is requested along with a copy of patient records. When special circumstances indicate additional information is needed from the consumer, the practitioner's initial response may be sent to the consumer for written comment. In cases involving more serious safety allegations or matters that demand confidentiality, the case may be immediately referred to the investigative department of the Division of Consumer Affairs, known as the Enforcement Bureau.

Upon receipt of the practitioner's response, or any receipt of an investigative report, the matter may then be preliminarily reviewed by the BME's Medical Director; by a board member having expertise in the practice in question; or by an outside consultant or specialist. These individuals submit written reports which are then considered by a Preliminary Evaluation Committee of the BME. The review by the committee may require the personal appearance of the practitioner to answer questions. The practitioner may be represented by legal counsel during this proceeding. Following appearances and deliberations, the committee may deem it necessary to interview the consumer before completing its review. This proceeding, conducted with the assistance of a deputy attorney general, is confidential and not open to the public. The committee then makes a recommendation to the full board for the disposition of the matter.

## **What action might be taken by the Board?**

The BME has jurisdiction to take disciplinary action only if it ultimately finds that the licensee has violated the Medical Practice Act or has engaged in fraud, misconduct, or gross or repeated malpractice or negligence.

The following actions may be taken by the BME in response to a finding by the Preliminary Evaluation Committee:

### **Private Disposition - No Public Disciplinary Action**

- The BME may find that the consumer complaint presents no cause for disciplinary action; or
- The BME may find that the consumer complaint is insufficient to meet the minimum proof requirements for a public disciplinary action, but nevertheless warrants a corrective action, which might be transmitted to the practitioner in a private letter.

The Legislature has directed that, when the BME finds no basis for disciplinary action, information regarding that action is deemed confidential. Any such information may be released only by court order.

### **Public Disciplinary Actions**

When the BME indicates that the disposition of the matter should be negotiated and embodied in a consent order, the BME may empower a deputy attorney general (DAG) to negotiate such an agreement, within the parameters set by the BME, with the attorney representing the practitioner who is being disciplined.

A consent order is an agreement between the state and the practitioner that the practitioner will cease a particular practice or form of behavior. A consent order may include:

- Reprimand;
- Terms of probation or other remedial action;
- Assessment of investigative costs, and a penalty of up to \$2,500 for each unlawful act within a first offense and put to \$5,000 for each act in a subsequent offense;
- Require restitution for monies paid, but not damages; and/or
- Suspension or revocation of the license.

The consent orders are disciplinary actions that may be reported to the public. If the practitioner does not accept the consent order the matter may be referred to the Attorney General for the filing of a formal complaint, which might include an application for emergency temporary suspension or other limitations on the practice imposed prior to completion of a full hearing. The filing of a formal complaint is also an action that may be reported to the public.

## **Due Process Rights of the Licensee**

Whether temporary restrictions are imposed on the practitioner or not, a full hearing will be conducted. A hearing on a simple case may be scheduled before the BME. More complex matters will generally be transmitted to the New Jersey Office of Administrative Law (OAL) for hearing, and a substantial amount of time will be required before the formal proceedings are concluded.

In OAL cases, the administrative law judge (ALJ) makes a recommendation on the credibility of witnesses, and makes findings of fact and conclusions of law, and recommends disciplinary and financial sanctions. The ALJ's recommendations may then be affirmed, modified or rejected by the full State Board of Medical Examiners. If the ALJ's recommendations are modified or rejected, the BME must specify its reasons, which must be based upon evidence in the hearing record. The BME's action is then memorialized in a formal order and becomes a permanent public record. The practitioner has the right to appeal an adverse decision to the Appellate Division of the New Jersey Superior Court.

## **How long will the investigation take?**

Depending on the complexity of the investigation and considering the volume of consumer complaints received by the BME, a final disposition of the investigative stage may take from six to nine months or longer. If a formal administrative complaint must be filed by the Attorney General, the matter will not be concluded until expert witnesses have been consulted, an administrative complaint has been filed and a full hearing has been completed.

Even after a final board disposition, the practitioner may pursue an appeal in the Appellate Division of Superior Court.

You would then be notified by mail as to the final outcome of your complaint.

Complaints may be filed by contacting:

State Board of Medical Examiners  
P.O. Box 183  
Trenton, New Jersey 08625-0183  
609-826-7100

# New Jersey State Board of Optometrists

The New Jersey State Board of Optometrists was created in 1914 to oversee the state's licensed optometrists. The practice of optometry includes:

- examining the eye for disease, such as glaucoma and cataracts;
- checking the visual status of the patient and prescribing correction in the form of glasses or contact lenses when necessary; and
- utilizing ocular pharmaceutical agents for treatment purposes.

There are five optometrists, two public members and one government member appointed by the Governor to three-year terms. In addition to being a state resident, each professional board member must be an optometrist who has been licensed and practicing for at least five years.

The Board's meetings are held monthly at 124 Halsey Street, Newark, New Jersey.

## **The purpose of the Board is:**

- to protect the health, safety and welfare of the people of New Jersey;
- to regulate licensed optometrists and the practice of optometry in New Jersey; and
- to take action against the unprofessional, improper, unauthorized or unqualified practice of optometry and guard against unprofessional conduct by the licensed optometrists.

## **How does the Board accomplish its purpose?**

The Board protects the public by:

- investigating and prosecuting optometrists who break the state's consumer protection laws; and
- requiring all optometrists to be licensed and renew their licenses biennially.

## **How do optometrists become licensed by the State?**

Applicants seeking licensure to practice optometry in New Jersey must pass all sections of the national licensing examination and prove to the Board that they are at least 21 years old and of good moral character.

In addition to a high school diploma, applicants must have graduated from an approved school or college of optometry and have earned the degree of doctor of optometry.

## **What are my rights as a consumer if I have a complaint about an optometrist?**

Every consumer has a right to file a complaint against an optometrist by writing to:

New Jersey State Board of Optometrists  
124 Halsey Street  
P.O. Box 45012  
Newark, New Jersey 07101

## What happens next?

- If a violation did occur, the Board may issue a reprimand, or revoke or suspend the license of the optometrist. The Board may impose monetary penalties or take other appropriate action.
- During disciplinary proceedings, licensees may be represented by an attorney and are given the right to demonstrate their compliance with the law. Once the Board has taken action against the licensee, he or she has the right to appeal the action.

## Consumer Tips

- Before visiting an optometrist, call the Board at 973-504-6440 to make sure the individual is currently licensed and is in good standing.
- The Board can also provide you with an optometrist's date of licensure, license number and the business address of any licensee.
- Ask if there are any public disciplinary actions the Board has taken against the optometrist. Public actions on file with the Board include: complaints filed by the Attorney General, consent orders or final orders imposing the revocation of licenses, and other public disciplinary or remedial actions taken against an optometrist such as a suspension, reprimand, probation or fine.
- If possible, select an optometrist the way you would a physician, lawyer or therapist: ask those you know and trust to make a recommendation.

If you have any questions you may contact the Board at 800-242-5846, 973-504-6440, or via e-mail at *AskConsumerAffairs@lps.state.nj.us*.

# State Board of Chiropractic Examiners

After the proverbial straw broke the camel's back did the camel seek chiropractic care? The answer is not clear but if he had done so in New Jersey he could have been assured that the doctor of chiropractic who treated him was appropriately educated, properly trained and duly licensed by the State Board of Chiropractic Examiners.

Chiropractic, a drug-free, nonsurgical science, was established in 1895, and works on the premise that abnormal structure can cause abnormal function. A body in pain can be treated by locating the area of the body which is receiving an improper nerve supply and working to restore proper nerve function to that area.

Since most nerves exit through the spinal column, chiropractors provide manipulation of vertebrae which have abnormal movement patterns. The manipulation or "adjustment" is usually given by hand and consists of applying pressure to the areas of the spine that are out of proper alignment.

The State Board of Chiropractic Examiners consists of eleven members. Eight (8) are licensed chiropractors, two (2) are public members and one (1) is a state government member.

## **The purpose of the board is to:**

- protect the health, safety and welfare of the people of New Jersey when receiving chiropractic care; and
- regulate the practice of chiropractic care.

## **How does the board accomplish its purpose?**

The Board protects the public by making sure that chiropractors meet all licensing and educational requirements. In addition, if necessary, the board investigates and prosecutes chiropractors who have violated the state's consumer protection laws.

## **What education must a chiropractor receive?**

The doctor of chiropractic's training requires a minimum of six years of college study prior to entering private practice.

## **How do I select a chiropractor?**

One of the best guidelines is the doctor's reputation within his or her community. You should select a doctor of chiropractic based on confidence in the doctor's ability, so ask your friends and neighbors first. You can also check your local Yellow Pages.

## **If I should have a problem with my chiropractor how do I file a complaint?**

Complaints may be filed by contacting:

State Board of Chiropractic Examiners  
124 Halsey Street  
P.O. Box 45004  
Newark, New Jersey 07101  
973-504-6395

# New Jersey Board of Nursing

The New Jersey Board of Nursing was established in 1912 to protect the health, safety and welfare of New Jersey's residents by ensuring that those who practice nursing are qualified and competent to do so.

The Board of Nursing consists of thirteen (13) members, appointed by the Governor. Six (6) are registered professional nurses, two (2) are licensed practical nurses, one (1) is a nurse practitioner/clinical nurse specialist, three (3) are public members, and one (1) is a state government member.

The purpose of the board is to:

- regulate the practice of nursing;
- approve nursing education programs and homemaker-home health aide certification programs;
- license nurses;
- certify homemaker-home health aides;
- regulate the duties of homemaker-home health aides; and
- ensure that nurses and homemaker-home health aides perform their duties in compliance with state law.

## How does the board protect the public?

The board protects the public by:

- ensuring that nurses and homemaker-home health aides meet the requisite educational requirements for licensure and certification;
- investigating and prosecuting nurses and homemaker-home health aides who do not perform their duties in compliance with state laws; and
- adopting rules, regulations and policies governing the practice of nursing and homemaker-home health aides.

## What are my rights as a consumer if I have a complaint against a nurse or homemaker-home health aide?

Every consumer has the right to file a written complaint against a nurse or a homemaker-home health aide. Complaints should be filed, in writing, with the New Jersey Board of Nursing, P.O. Box 45010, Newark, NJ 07101.

## How are complaints resolved?

If the complaint is within the board's jurisdiction:

- the complaint may be referred to an investigator who may contact you for additional information;
- the nurse or homemaker-home health aide will be asked to respond to your allegations; and
- the board will evaluate the complaint and the response of the nurse or homemaker-home health aide and determine if the complaint involves a violation of law.

## What happens next?

If a violation did occur, the board may punish the licensee through fines, penalties or other disciplinary procedures including a reprimand or revocation or suspension of the license or certificate to practice.

During disciplinary proceedings, licensees may be represented by an attorney and are given the right to demonstrate their compliance with the law. Once the board has taken action against the licensee, he or she has the right to appeal the action.

You will be notified, in writing, when the complaint is resolved.

# Board of Pharmacy

The New Jersey Board of Pharmacy, the oldest professional licensing board in this state, was established in 1877 to protect the public by regulating the dispensing of drugs. The Board became part of the Division of Consumer Affairs under the Department of Law and Public Safety in 1971.

The Board of Pharmacy consists of nine members appointed by the Governor. Six (6) are registered pharmacists, two (2) are members of the general public and one (1) is a state government member.

## **The purpose of the board is to:**

- protect the health, safety and welfare of the people of New Jersey;
- regulate the practice of pharmacy; and
- ensure that the correct medication is dispensed.

## **How does the board accomplish its purpose?**

The Board protects the public:

- by making sure that all pharmacists have graduated from an accredited pharmacy school and completed all additional training requirements;
- by investigating and prosecuting pharmacists who have broken the state's consumer protection laws;
- by requiring all pharmacists to continue their professional education and training to keep current with the evolving world of pharmacy; and
- by requiring that all pharmacies are registered by the state and renew their permits annually.

## **What does my pharmacist do for me?**

Your pharmacist is required to counsel all patients about medications their doctors have prescribed. The pharmacist is required by law to maintain a patient profile on all customers, in order to identify medications that the customer is currently taking, including over-the-counter drugs, when a new prescription is filled. The patient profile enables the pharmacist to determine whether there could be a negative reaction to the new drug or a negative interaction between the new medication and other drugs being taken. The profile also helps the pharmacist guard against possible misuse of the new prescription. The patient profile consists of the following information:

- family name and the first name of the patient;
- address and the telephone number of the patient;
- patient's age and gender;
- original or refill date the medication is dispensed;
- number identifying the prescription;
- name, strength and quantity of the drug dispensed; and
- pharmacist's comments relevant to the patient's drug therapy including whether or not the patient accepted the pharmacist's offer to counsel.

The pharmacist will also record if the customer has any allergies or medical conditions which may affect the drug's intended results. Every time you receive a NEW prescription, your pharmacist is required by law to discuss the following with you (or your caregiver):

- how and when to take the medication;
- any common side effects; and
- possible interaction with any other medications you may be taking.



## **Before leaving your pharmacist's counter be sure you know:**

- the name of the medication, popular brand and/or comparable substitute;
- how and when your medication should be taken, and for how long;
- what restrictions there are relating to foods, drinks, or other medicines; and
- what should be done if a dose is missed.

## **What are my rights as a consumer if I have a complaint against a pharmacist?**

Every consumer has a right to file a complaint against a pharmacy and/or a pharmacist.

Complaints may be filed by contacting:

Board of Pharmacy  
124 Halsey Street  
P.O. Box 45013  
Newark, New Jersey 07101  
973-504-6450

## **How are complaints resolved?**

If the complaint is within the Board's jurisdiction:

- the complaint may be referred to an investigator who will contact you for additional information about the complaint ( if the complaint is not within the Board's jurisdiction, it will be referred to the appropriate agency);
- the pharmacist or pharmacy will be asked to respond to your concerns; and
- the Board will then evaluate the complaint and the practitioner's response and determine if the complaint involves a violation of New Jersey Pharmacy Law.

## **What happens next?**

- If a violation did occur, the Board may issue a reprimand, revoke the permit of a pharmacy or suspend or revoke the license of a pharmacist.
- During disciplinary proceedings, licensees may be represented by an attorney and are given the right to demonstrate their compliance with the law. Once the Board has taken action against the licensee, he or she has the right to appeal the action.
- You will be notified in writing when the complaint is resolved.

# What is SHIP?

The State Health Insurance Program (“SHIP”) provides free help to New Jersey Medicare beneficiaries who have problems with, or questions about, their health insurance.

SHIP is a statewide program sponsored by the New Jersey Department of Health and Senior Services, Division of Senior Affairs, and with funding from the U.S. Department of Health and Human Services’ Centers for Medicare and Medicaid Services..

Frequently there are questions about Medicare benefits and claims, Medicare supplement policies, and long term care insurance. Counselors, trained in the area of health insurance coverage and benefits which affect Medicare beneficiaries, provide information and assistance for dealing with claims and in evaluating health insurance needs.

Counselors do not provide legal advice, sell, recommend or endorse any specific insurance product, agent, insurance company or Health Maintenance Organization (“HMO”). They provide information and assistance so that you can make your own decision. Counseling is free of charge.

## Counselors are available at:

ATLANTIC COUNTY  
Office of Intergenerational Services  
1-888-426-9243

BERGEN COUNTY  
Senior Services  
(201)336-7413

BURLINGTON COUNTY  
RSVP  
(609) 894-9311 ext. 7498

CAMDEN COUNTY  
Senior Services  
1-877-222-3737

CAPE MAY COUNTY  
Department of Aging  
(609) 886-8138

CUMBERLAND COUNTY  
Office on Aging  
(856) 453-8066

ESSEX COUNTY  
Senior Center Hotline  
(973) 643-5710

GLOUCESTER COUNTY  
RSVP  
(856) 468-1742

HUDSON COUNTY  
Office on Aging  
(201) 271-4322

HUNTERDON COUNTY  
Office on Aging  
(908) 788-1361

MERCER COUNTY  
Robert Wood Johnson @ Hamilton  
(609) 584-5900

MIDDLESEX COUNTY  
Office on Aging  
(732) 745-3295

MONMOUTH COUNTY  
Family & Children’s Service  
(732) 531-5511

MORRIS COUNTY  
RSVP  
(973) 989-5773

OCEAN COUNTY  
Senior Services  
(732) 929-2091 or 1-800-668-4899  
(In Ocean County only)

PASSAIC COUNTY  
Senior Services  
(973) 881-4950

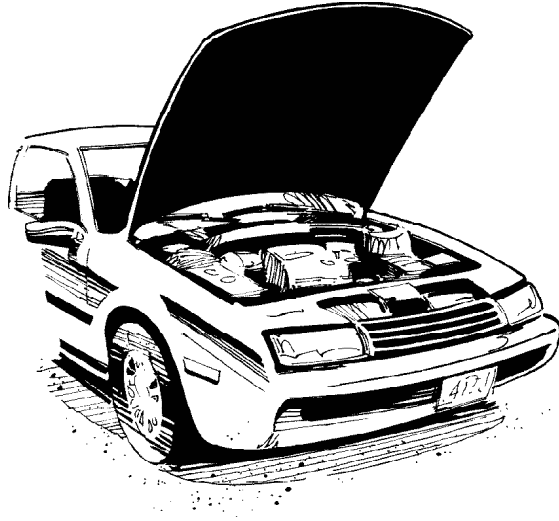
SALEM COUNTY  
Office on Aging  
(856) 935-7510 ext. 8622

SOMERSET COUNTY  
RSVP/ Office on Aging  
(908) 704-6319

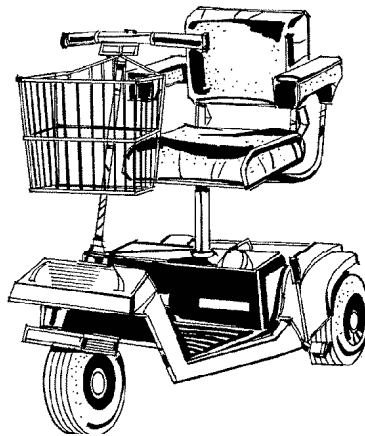
SUSSEX COUNTY  
Office on Aging  
(973) 579-0557

UNION COUNTY  
Senior Services  
(908) 273-6999

WARREN COUNTY  
Office of Aging  
(908) 475-6591



# ***Lemon Laws***



# What is the Lemon Law?

What happens if that brand new car or motorcycle you bought turns out to be a lemon? Under the New Jersey Lemon Law you may be entitled to reimbursement or a new car.

The Lemon Law applies to anyone who buys, leases, or registers a **new** car or motorcycle in New Jersey. The intent of the law is to require the manufacturer of a new motor vehicle to correct the defects that are originally covered under the manufacturer's warranty and are identified and reported **within 18,000 miles or two years, whichever comes first**.

To qualify under the Lemon Law, the defect must **substantially impair** the use, value or safety of your vehicle.

## What is NOT Covered:

- The Lemon Law does **not** cover vehicles registered for commercial use.
- The Lemon Law does **not** cover the living quarters of motor homes.
- The Lemon Law does **not** cover the defects caused by accident, vandalism, abuse or neglect.
- The Lemon Law does **not** cover defects caused by attempts to repair or to modify the vehicle by a person other than the manufacturer, its agent or authorized dealer.

## Getting Your Vehicle Repaired

It is very important that you report any defect or condition directly to the manufacturer or dealer **immediately**.

It is also important that you keep all repair receipts and a complete record of all contacts with the manufacturer and dealer.

## How Long Should the Repair Take?

The Lemon Law allows the manufacturer a "reasonable amount of time" to repair or correct the defect. A "reasonable amount of time" means three repair attempts for the same defect or a total of 20 cumulative days out of service because of one or more defects or repairs.

## What You Must Do

Before you can file a claim under the Lemon Law in the Division of Consumer Affairs, you must give the manufacturer one final chance to repair the defect. A letter to the manufacturer (**not** the dealer) must be sent by certified mail, return receipt requested, stating that you may have a claim and that you are giving the manufacturer one last chance to repair the defect. The manufacturer should be allowed ten days following the date on the certified mail return receipt to repair the vehicle. Contact the Division of Consumer Affairs' Lemon Law Unit for the address of the manufacturer's regional office, to which you should send your letter.

## Sample Letter to the Manufacturer (see page 47 for a sample letter)

- A letter can be sent after your second unsuccessful attempt to repair the same problem or if the defects still exist after 20 cumulative days out of service.
- Your letter must be sent by certified mail-return receipt requested.
- It must be sent before 18,000 miles or two years, whichever occurs first.
- Address the letter to the manufacturer.
- Be sure to include your name, address and telephone number.

If, after contacting the manufacturer, your problem(s) still exist, you should send the Lemon Law Unit photocopies of the “final repair” letter, the certified mail return receipt, and repair orders, and a brief description of the manufacturer’s response. At this time you should also request an application for Lemon Law Dispute Resolution.

## **Enforcing Your Rights**

If the manufacturer does not accept your Lemon Law claim and will not refund your money or replace your vehicle, you have three choices. You may:

- ask for a hearing through the Division of Consumer Affairs’ Lemon Law Dispute Resolution Program;
- send your complaint to the manufacturer’s informal dispute settlement program; or
- file a civil action in court.

## **Resolution through the Division**

The Lemon Law gives consumers the chance to have their cases heard before an administrative law judge in the Office of Administrative Law. You have the right to hire an attorney. An attorney is not required for this hearing but it may be to your advantage to have one present. The Lemon Law Unit does not provide legal representation for the consumer. The manufacturer, however, will be represented by an attorney. If you are successful in proving your case, you will be reimbursed any reasonable attorney’s fees incurred.

## **Important**

To qualify for a hearing before an administrative law judge:

- You must have allowed the manufacturer three chances to repair substantially the same defect(s) OR your vehicle must have been out of service due to repairs for a total of 20 cumulative calendar days for a single problem or a series of problems.
- You must have notified the manufacturer in writing of its final chance to repair the defect, within the term of protection : 18,000 miles or two years, whichever occurs first.
- You must have given the manufacturer that final chance to repair the vehicle, and you must have the certified mail return receipt proving that the manufacturer received the “final chance” notification.

## **Any Questions?**

This information is just a guide. If you have a question or are uncertain about a particular aspect of the Lemon Law, you can get in touch with the Lemon Law Unit, N.J. Division of Consumer Affairs, P.O. Box 45026, Newark, NJ 07102, 973-504-6226. In addition, the Lemon Law Unit will provide, upon request, a guideline booklet to the New Jersey Lemon Law, a sample letter to the manufacturer, and the correct manufacturer’s address.

# Sample Lemon Law Letter

Date

To Whom It May Concern:

I believe that my (passenger vehicle/motorcycle) is a “lemon” under the New Jersey Lemon Law (N.J.S.A. 56:12-29 to 56:12-49). I am hereby making a written demand for relief under the Lemon Law.

I (purchased/leased) a (make, model, year of vehicle and vehicle identification number) on (date) from (name of dealership) in (city, state). Since I bought the vehicle, I have had to return it to the dealership a total of (total number of times the vehicle was returned to an authorized dealer for repairs) times. My vehicle has been out of service for repairs for a total of (total number of calendar days the vehicle has been out of service being repaired) calendar days. The current mileage on my vehicle is (current odometer reading).

My vehicle has been in (name of authorized dealership) on the following days for repair of the following defects:

(date in & date out)

(list problems)

I am having the following problems with my vehicle at this time: (list all of the vehicle’s current problems).

Since these defects substantially impair the use, value, or safety of my vehicle, I am hereby allowing you one final opportunity to repair my vehicle. If these repairs are not made within ten calendar days of receipt of this letter, I am entitled to a replacement vehicle acceptable to me or a refund calculated in accordance with the Lemon Law.

I look forward to hearing from you soon. You can reach me during the day at (daytime phone number) and in the evening at (evening phone number).

Sincerely,

Your name

# Used Car Lemon Law

Since purchasing that used motor vehicle in July, it's been nothing but trouble. With each passing day you're beginning to fear that you've got a lemon on your hands. Are you stuck with it? Maybe not.

On July 3, 1996, the New Jersey Used Car Lemon Law took effect providing protection to those who buy used motor vehicles.

## Whose car is covered by the law

The law, which covers only used passenger motor vehicles purchased from used car dealers **on or after** July 3, 1996, requires used car dealers to provide their customers with warranties. The length of the warranty depends on the used motor vehicle's mileage. If:

- a motor vehicle has 24,000 miles or less, the dealer must provide his customer with a warranty for 90 days or 3,000 miles, whichever comes first.
- a motor vehicle has more than 24,000 miles, but less than 60,000 miles, the dealer must provide the customer with a warranty lasting 60 days or 2,000 miles, whichever comes first.
- a motor vehicle that has between 60,000 and 100,000 miles, the dealer must provide the customer with a warranty for 30 days or 1,000 miles, whichever comes first.

## Whose car is not covered by the law

- motor vehicles sold for less than \$3,000
- motor vehicles that are more than seven (7) model years old
- motor vehicles that have been declared a total loss by an insurance company
- motor vehicles that have odometer readings of more than 100,000 miles
- motor vehicles that were not purchased from a dealer

**Note:** In negotiating a better price for the vehicle, consumers may waive their right to a warranty. The vehicle must have more than 60,000 miles on its odometer and the waiver must be in writing.

## What parts are covered

The statute requires a dealer "to correct a material defect of the used vehicle." The statute also expressly covers:

- The Engine — All internal lubricated parts, timing chains, gears and cover, timing belt, pulleys and cover, oil pump and gears, water pump, valve covers, oil pan, manifolds, flywheel, harmonic balancer, engine mounts, seals and gaskets, and turbo-charger housing. (Housing, engine blocks and cylinder heads are covered only if they are damaged by the failure of an internal lubricated part.)
- Transmission Automatic/Transfer Case — All internal lubricated parts, torque converter, vacuum modulator, transmission mounts, seals and gaskets.
- Transmission Manual/Transfer Case — All internal lubricated parts, transmission mounts, seals and gaskets, but excluding a manual clutch, pressure plate, throw-out bearings, clutch master or slave cylinders.
- Front-Wheel Drive — All internal lubricated parts, axle shafts, constant velocity joints, front hub bearings, seals and gaskets.
- Rear-Wheel Drive — All internal lubricated parts, propeller shafts, supports and U-joints, axle shafts and bearings, seals and gaskets.

The statute also says: "It shall be an affirmative defense to any claim . . . that the alleged material defect does not substantially impair the use, value or safety of the used motor vehicle."

## What the dealer must do

The warranty requires the dealer to correct a defective or malfunctioning part of a used motor vehicle which is covered by the warranty if the defect occurred during the applicable warranty period.

The consumer is responsible for bringing the motor vehicle to the dealer and may be entitled to a refund of the used motor vehicle's full purchase price if:

- the dealer has been unsuccessful at fixing the same material defect after at least three attempts.
- the vehicle has been out of service for 20 cumulative days while the dealer is attempting to fix it.

The consumer must pay a \$50 deductible for each repair of each covered item.

If during the warranty period the used motor vehicle fails to operate properly through no fault of the consumer and the dealer has had a reasonable opportunity to repair the motor vehicle and he refuses to replace or refund the full purchase price of the motor vehicle, then the consumer may then be eligible for assistance under the Used Car Lemon Law.

**Note:** "A reasonable attempt to repair a used motor vehicle" is defined as: At least three attempts to repair the same material defect and the material defect continues to exist; or the used motor vehicle was out of service by reason of waiting for the dealer to begin or complete repair of the material defect for a cumulative total of 20 days or more during the warranty period.

It is important for consumers to contact their dealers as soon as they discover a problem with the vehicle and allow the dealer at least three attempts to fix the vehicle. Keep all documents pertaining to the motor vehicle's defects and repairs handy.

## Before buying that used motor vehicle, consider:

- **Looking for leaks.** With the engine off, check the pavement under the motor vehicle. A wet, black stain means leaking oil. A reddish stain is transmission fluid or power steering fluid. If the stain is colorless to green, it could mean a leak in the cooling system.
- **Taking the car on a test drive.** Don't consider buying the motor vehicle if the seller won't let you drive it yourself. A demonstration ride, where you sit in the passenger seat while the seller drives, is not sufficient. Without driving the motor vehicle yourself, you won't be able to tell if it's comfortable or how well it handles.
- **Getting an independent evaluation.** Whenever possible, take the car to an independent mechanic for a thorough inspection before you buy it. Choose a mechanic yourself, preferably someone you've worked with in the past and know to be trustworthy and someone who has nothing to gain if you buy the motor vehicle. Most mechanics will charge a fee for this service.

Questions about the Used Car Lemon Law can be directed toward the Division at 973-504-6200. Correspondence may be sent to:

**Used Car Lemon Law**  
124 Halsey Street  
P.O. Box 45039  
Newark, New Jersey 07101



# Motorized Wheelchair Lemon Law

With the price of motorized wheelchairs and scooters ranging from \$2,000 to as high as \$20,000, purchasing one can be almost as expensive as purchasing a new car.

Former Governor Christine Todd Whitman and the Legislature enacted the Wheelchair Lemon Law which gives owners and lessees of motorized wheelchairs and motorized scooters the same protection afforded to owners of new and used cars.

## Here's how the law works:

The Wheelchair Lemon Law requires manufacturers to give customers warranties of at least one year that cover defects which impair the use, value or safety of the chair or scooter. The warranty also covers accompanying power accessories that are used to operate the wheelchair or scooter, as well as the wheelchair itself.

The law applies to all new and "demonstrator" wheelchairs, motorized scooters designed primarily for indoor use, and retrofit power units intended to motorize wheelchairs. The wheelchair or scooter must be designed to help promote independent living and mobility for medical reasons and have been purchased or leased in New Jersey.

If you believe your wheelchair or scooter does not function properly, you must:

1. notify the manufacturer or lessor of the problem by certified mail, return receipt requested, each time the problem occurs; and
2. make the wheelchair or scooter available for repair within the one-year warranty period.

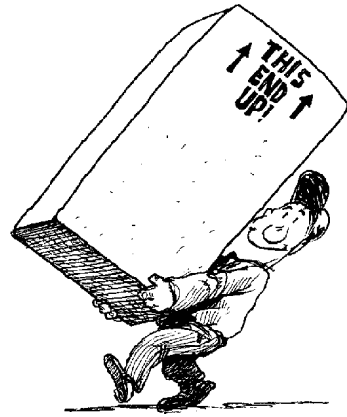
After three (3) unsuccessful attempts at repairing the same problem with the wheelchair or motorized scooter or if the wheelchair or motorized scooter is out of service for a total of twenty (20) days, you may be entitled to a replacement, refund, or early lease termination, minus a reasonable allowance for use.

Consumers who abuse, neglect or make unauthorized modifications or alterations to the wheelchair or scooter are not protected under the law.

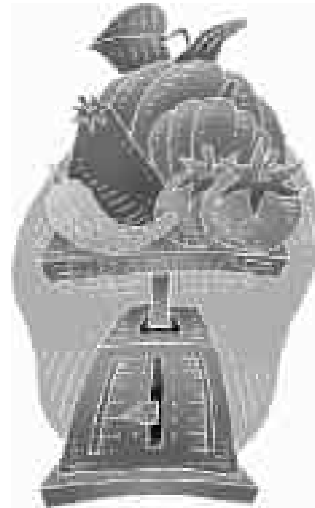
Consumers who meet the criteria outlined to pursue a Wheelchair Lemon Law claim may:

- Refer the matter to the manufacturer for resolution.
  - Refer the matter to the Wheelchair Lemon Law Unit at the Division of Consumer Affairs for dispute resolution.
- or***
- File an action in the Superior Court of New Jersey and mail a copy of the initial or response pleading containing the claim, counterclaim or defense to the Attorney General within 10 days of filing the papers with the court.

To participate in the New Jersey Division of Consumer Affairs' Wheelchair Lemon Law dispute resolution process, consumers must submit an application to the Wheelchair Lemon Law Unit. Applications are available from the unit. The address is: Lemon Law Unit, New Jersey Division of Consumer Affairs, P.O. Box 45026, Newark, NJ 07102 or you may call 973-504-6243. Those consumers whose applications are accepted must pay a nonrefundable \$50 filing fee to the New Jersey Division of Consumer Affairs. Applications are referred to the Office of Administrative Law for a hearing.



# ***Miscellaneous Topics***



# Alternative Dispute Resolution

## What is ADR?

Alternative Dispute Resolution (“ADR”) is a rapidly growing national movement brought about in response to the excessive and ever-increasing caseload in courts and administrative agencies. Successful use of ADR affords the parties the opportunity to avoid what can turn out to be expensive and protracted legal battles. The need for ADR has become so apparent that the New Jersey Supreme Court has required parties in certain court proceedings to submit to court-sponsored mediation before being allowed to appear before a judge.

## History

In April 1992, faced with an overwhelming caseload within its Office of Consumer Protection, the New Jersey Division of Consumer Affairs created its Alternative Dispute Resolution Unit. The Unit began with 12 volunteer mediators. These volunteers helped to resolve consumer/business disputes, successfully concluding most of their cases in the short span of about six weeks. Many of the opposing parties who have participated in our ADR program have been surveyed and the overwhelming majority responded by saying that they found the process “very good” or “excellent.”

Due to the remarkable success of the unit, the Attorney General expanded its role into the Department of Law and Public Safety. At that time, the Division on Civil Rights began to refer suitable cases to the unit. Since then, a number of professional and licensing boards including the State Board of Medical Examiners, the State Board of Examiners of Master Plumbers and the New Jersey Cemetery Board have used the ADR Unit to resolve appropriate disputes.

## Who are the Mediators?

Unit mediators are volunteers. They are drawn from all walks of life and include for example, lawyers, dentists, teachers, auto mechanics, labor negotiators and business people. All volunteers are required to undergo a three– day mediation training seminar and are expected to work a minimum of a half day, once a week, for at least six months. The use of volunteers by the ADR Unit affords a significant financial savings to the state while still providing quality service to the unit’s clients.

## Types of Cases

The ADR Unit receives cases from various government agencies. Although it may reject matters considered inappropriate for mediation, the actual selection of cases is decided upon solely by the referring agency. Some examples of cases handled by the ADR Unit are:

- After having a new kitchen installed in her home, a consumer filed a complaint because the new stove burned the new cabinets. The mediator assigned was able to resolve the case to the satisfaction of all parties.
- When a conflict arose between a business and an employee who claimed he was fired because of his age, the matter was resolved to the satisfaction of both parties.
- A consumer was billed personally by a New Jersey hospital even though she had medical insurance from a Pennsylvania insurance company. After ADR intervention the matter was successfully concluded.

## How Does Mediation Work?

The term ADR refers to a host of alternatives to the traditional court system. Two of the best known forms of alternative dispute resolution are arbitration and mediation. Our ADR Unit uses mostly mediation.

## **To mediate a dispute the ADR Unit will follow these steps:**

- The mediator gathers information about the dispute and, where appropriate, schedules a mediation session. Many conflicts are successfully resolved by telephone with minimum inconvenience to all those involved.
- During the mediation session (either in person or on the phone), each party explains his or her view of the problem and what he or she believes is necessary to resolve the dispute.
- The mediator will then work to assist the participants in reaching a settlement satisfactory to all those involved.

## **What are the Advantages?**

- The situation is dealt with promptly. Many cases are concluded in less than six weeks.
- Mediation creates a “win-win” situation. All participants come out ahead by reaching an agreement satisfactory to all parties.
- Participants may be able to avoid time-consuming and costly litigation.
- The service of the trained volunteer mediator is free.

## **Confidentiality**

Confidential information given by one of the parties to the mediator will not be revealed by the mediator without the explicit permission of that party. All documents and discussions revealed during a mediation session will remain confidential and neither the material nor the mediator may be subpoenaed.

## **At the Conclusion of a Mediation**

When parties conclude a mediation successfully, the agreement reached is often put into writing. Participants may then rely on that written agreement as a binding contract if they should need to pursue more formal action.

Sometimes, no matter how hard people try, an agreement cannot be reached. At that point the matter is generally sent back to the referring agency. In addition, the mediator can usually provide referrals and suggestions to both parties for other options which may be available to them. A mediation attempt that does not succeed does not prevent anyone from pursuing further legal action.

For further information you may write to:

New Jersey Department of Law and Public Safety  
Division of Consumer Affairs  
Alternative Dispute Resolution Unit  
P. O. Box 45023, 153 Halsey Street  
Newark, New Jersey 07101  
or call:  
(973) 504-6100

**Yakov M. Dombroff**  
*Director*  
**Linda Palma**  
*Assistant Director*

# Telephone Slamming

A woman complained when her long distance telephone company was changed without her knowledge. Apparently, her daughter had unknowingly authorized the switch - just by completing a Hawaiian vacation contest entry form that asked her for her home telephone number.

In the last two years, more than 4,200 consumers have complained to the Federal Communications Commission (FCC) about sudden, unauthorized switches in their long distance phone service, a practice known as “slamming.” In fact, it's the number one telephone-related complaint received by the FCC.

Although slamming first started in the 1980's, the FCC tightened its rules to require that telephone companies get authorization from consumers before switching their service. However, authorization may be written or verbal, and clever marketers have found creative ways to get consumers to authorize switches without realizing what they have done.

## Be Careful

- ***Drawings, contest and sweepstakes forms.*** Read the fine print carefully before you submit entry forms. Be especially wary if the form says you must provide your telephone number and signature. Doing so may authorize a change in your long distance company.
- ***Rebates and checks.*** Read the fine print very carefully before endorsing the check. Your endorsement may authorize a switch.
- ***“Charitable” causes.*** Be careful if you are asked to complete a form from a charity soliciting a donation such as two percent of your long distance bill. Also, beware if a charity offers to enter you in a drawing for a prize if you complete a form and give your telephone number and signature.
- ***Telemarketing Calls.*** Another long distance company may call to ask you to consider switching, promising bargains in long distance service. Even if you decline, or ask only for information, you may discover that the marketer has gone ahead and made the switch.

## How to Avoid Slamming

- Carefully read your telephone bill each month. Check to be sure that the long distance carrier you selected is still handling your calls. From your home telephone you can call 700-555-4141, toll-free, for a computerized message that will identify your long distance provider.
- Do not give out personal information about yourself, such as your home telephone number, without finding out how that information will be used.
- Read the small print before signing any form.
- Ask any solicitor to send you information in writing and review it carefully before you switch.
- If a charity asks questions about your long distance phone service, be suspicious.

## If You Discover You've Been Slammed

1. Contact your local carrier right away and let them know. You should not be billed for the cost to switch back.
2. Contact the Division of Consumer Affairs' Consumer Service Center at 973-504-6200 or your local or county Consumer Affairs office to file a complaint.

# Weights and Measures

Almost everything we buy is sold by weight, volume, length, count or measure. For example .... a dozen eggs, a liter of soda, a yard of cloth, a gallon of milk, a pound of hamburger, a cord of firewood. Since we don't carry a scale or measuring tape with us, how can we be sure a pound is a pound and an inch is an inch?

In 1911 Governor Woodrow Wilson established the Office of Weights and Measures to protect the citizens of New Jersey. Part of the Division of Consumer Affairs, under the Department of Law and Public Safety, Weights and Measures' officials work to keep the marketplace honest by using highly accurate equipment to inspect scales, meters, scanning equipment, gasoline station pumps and lumberyards throughout the state. Weighing or measuring devices are not permitted to be used for commercial purposes unless they are registered with the Office of Weights and Measures.

Because of the inspections and investigations conducted by the men and women of Weights and Measures, New Jersey consumers can have confidence when shopping.

However, consumers should also pay attention when making purchases. Small, seemingly insignificant errors can add up.

## Scales and Scanners

- Always check for the Weights and Measures seal, indicating a scale has been tested. Each registered business also receives a Registration Certificate which should be prominently displayed.
- Check to make sure scales are set at zero prior to weighing produce. If the weight display on a scale indicates a weight when there is nothing on the scale, bring this to the vendor's attention. Any weight indicated on the scale prior to weighing of your item will result in additional cost to you.
- Be cautious of scales which appear to be in poor condition. Scales with broken glass or those which are not level are more likely to be in error.
- Make sure the shelf price or advertised price agrees with the scanner price on your receipt.

## Home Heating Oil

- Request a specific delivery date and plan to be home at that time.
- Make sure the meter register reads all zeros before delivery begins.
- When the delivery is completed, compare the delivered gallons printed on the ticket with the gallons indicated on the meter register.

## Gas Pumps

- Check for the seal indicating that the dispensers have been tested by Weights & Measures.
- Make sure the price on the sign is the same as the price on the pump.
- Make sure attendants have reset the pump to zero before filling your tank.
- Check to make sure your receipt matches what the pump registers prior to signing your credit card form.

## Propane

- When having your propane cylinder (the type used for barbecuing) filled by weight, make sure the weight of the cylinder and any remaining propane is not part of the total weight for which you are paying.

## Timing Devices

The Office of Weights and Measures registers approximately 155,000 timing devices (vehicle parking meters, laundry drying/washing machines, tire air pumps, car wash vacuums, etc.) annually.

- Check for seals and certificates indicating devices have been inspected.

If you have a problem with a weights and measures issue try to resolve it with the manager or owner. If they can't resolve your problem to your satisfaction, contact the New Jersey Office of Weights and Measures at: 1261 Route 1 & 9 South, Avenel, New Jersey, or call 732-815-4840.

# New Jersey Weights and Measures Phone List

**State of New Jersey  
Office of Weights and Measures**

1261 Route 1&9 South  
Avenel, NJ 07001-1647  
Telephone (732) 815-4840  
Fax (732) 382-5298

**Louis E. Greenleaf, State Superintendent  
Pat D'Errico, Chief Supervisor**

<u>County</u>	<u>Superintendent Name</u>	<u>Phone Number</u>
Atlantic County	John Walsh	609-345-6700 Ext. 2477
Bergen County	Michael Alpher	201-336-6424
Burlington County	Renee Borstad	609-265-5098
Camden County	Patricia Tuck-Davis	856-374-6001
Cape May County	Michael P. Brogan	609-463-6472
Cumberland County	Louis Moreno	856-453-2203
Essex County	Louis Turco	973-395-8363
Gloucester County	Joseph Silvestro	856-384-7702
Hudson County	Roseanne Fischer	201-319-3820
Hunterdon County	William Yancey	908-788-1249
Mercer County	Carl Risoldi	609-989-6579
Middlesex County	Michael Hendricks	732-745-3872
Monmouth County	Benjamin Peluso	732-431-7362
Morris County	Robert Alviene	973-285-2955
Ocean County	Bart Brooks	732-929-2166
Passaic County	Ernest Salerno	973-305-5750, 5751
Salem County	Mark J. Robbins	856-935-7510 Ext. 8309
Somerset County	James Maher	908-231-7125
Sussex County	Gilbert Snyder	973-948-5464
Union County	Michael Florio	908-654-9845
Warren County	Michael Santos	908-453-2828
Atlantic City	Mark Hamilton	609-347-5527
City of Camden	Karen Ferebbe-Nelson	856-968-4738
East Orange	Obed Prinvil	973-266-5318
City of Elizabeth	Emmanuel Caravano	908-820-4113
Hamilton Township	Sal Avellino	609-890-3595
Jersey City	Cleo Gadsen	201-547-5292, 4232
City of Linden	Edward Malanda	908-474-8403
City of Newark	Gloria Nieratko	973-733-6274
Nutley Township	Ronald Cundiff	973-284-4940 Ext. 45
City of Paterson	Italo Torchiani	973-321-1277 Ext. 2714
City of Trenton	Walter Motchnik	609-989-3282

# New Jersey Cemetery Board

Created in 1971, the New Jersey Cemetery Board was originally a part of the Department of Banking. The board became a part of the New Jersey Division of Consumer Affairs in 1995. The Cemetery Board licenses and regulates cemetery companies that are not considered religious corporations. The board consists of nine members, appointed by the Governor, with the consent of the Senate. Three members represent the public and have no association with the business of cemeteries.

The purpose of the board is to protect the welfare of the people of New Jersey. The board accomplishes this purpose by administering the provisions of the law which deal with cemetery rules and regulations, the sale of lots, cemetery care, billing disputes, charges for services, and management of trusts and endowment funds. It is also responsible for licensing cemetery sales personnel and issuing certificates of authority, which are required to operate a cemetery company.

One of the most important missions of the board is to ensure that the millions of dollars contained in cemetery maintenance and preservation trust funds are properly supervised. Each cemetery's trust fund monies must be held in an irrevocable trust in a New Jersey bank. Trust fund monies are funds which have been set aside to preserve cemetery grounds. The law requires that cemetery companies authorized to maintain these funds ensure that the principal will not be lost; therefore, investment in prudent securities is mandatory. Securities may take the form of interest-bearing bank accounts, certificates of deposit, stocks or bonds.

All cemetery companies within the jurisdiction of the New Jersey Cemetery Board (approximately 400) must file an annual report with the Cemetery Board on the status of their Maintenance and Preservation Trust Fund and other trusts. The report with accompanying documents from the bank updates the board on the book value and the market value of the fund along with the number of interments and cremations performed at the cemetery for the past year. It also gathers information on the number of acres still available at the cemetery for burials as well as the number of below-ground burial spaces and crypt/niche spaces still available for future sales. Cemeteries must file an annual report with the cemetery board.

## **What are my rights as a consumer if I have a complaint against a cemetery?**

Every consumer has a right to file a complaint against a cemetery company with a certificate of authority issued by the New Jersey Cemetery Board. Complaints may be filed by contacting the:

New Jersey Cemetery Board  
124 Halsey Street  
P.O. Box 45036  
Newark, New Jersey 07101  
973-504-6553

## **How are complaints resolved?**

If the complaint is within the board's jurisdiction:

- the complaint may be referred to an investigator who may contact you for additional information;
- the cemetery company will be asked to respond to your concerns; and
- the board will evaluate the complaint and the response of the cemetery company and determine if the complaint involves a violation of law.



## What happens next?

- If a violation did occur, the board may take action against the licensee or the cemetery.
- During disciplinary proceedings, the licensee or cemetery company may be represented by an attorney and will be given the right to demonstrate its compliance with the law. Once the board has taken action against the licensee or cemetery company, the licensee or cemetery company has the right to appeal the action.
- You will be notified, in writing, when the complaint is resolved.

## Consumer Tips

- If you choose burial, you will need to purchase a grave. Plot prices may vary widely between different cemeteries and different locations in the same cemetery. There is a fee for opening and closing the grave. Be sure you understand what you are getting and for what you are paying. A current fee schedule for the cemetery must be filed with the board and the cemetery company cannot charge a fee which is not on the schedule.
- Graves may be purchased in multiple depths, with two or more caskets buried in the same vertical space. Multiple depth graves are usually less expensive than purchasing separate grave sites.
- Vaults or grave liners are not required by law, but cemeteries may have their own rules on this matter. Vaults keep the ground from settling and make mowing and maintenance easier.
- Markers and monuments or bronze markers must meet cemetery standards. Cemetery companies are prohibited from selling such items.
- Each cemetery company may make reasonable rules and regulations for the use, care, management and protection of the property of the cemetery.
- Include your cemetery property as part of your estate when executing a will.
- Be aware that in-ground burials require opening and closing fees.

# Preneed Funeral Arrangements

The death of a loved one is often a devastating experience, complicated by the many arrangements that must be made.

With all the considerations, many people find themselves unable to grieve until *after* all the funeral arrangements have been finalized. Given the tumult this causes, one is distracted and, hence, vulnerable to those who might be inclined to take advantage of the bereaved. If one gives thought to these arrangements ahead of time, one may spare oneself additional grief.

## Preneed Funeral Arrangements

In recent years, more and more people have opted to take matters into their own hands and arrange their or a loved one's funeral prior to their deaths. These arrangements are commonly referred to as "preneed funeral arrangements" or "prepaid funeral agreements." Through these arrangements, people are able to decide in advance what type of funeral they will have, while at the same time eliminating some of the stress that family members frequently experience. Consumers may also be able to lock in today's prices for a future funeral.

## What You Should Know

Concerned about abuses to preneed arrangements, the Legislature enacted the Preneed Act of 1993 to strengthen existing laws. Its purpose is to protect consumers who pay for their funerals in advance by regulating preneed funeral agreements between funeral directors and consumers.

The law requires funeral directors to give consumers:

- (1) a Statement of Funeral Goods and Services, which describes in detail the exact goods and services the consumer is purchasing. For example, what type of casket will be used for the burial.
- (2) a Prepaid Agreement, which outlines the terms and conditions of the agreement including the amount of money paid and where the money will be deposited. The consumer's preneed funds may be placed in either an interest-bearing trust account or a funeral insurance policy, either of which must be placed in the consumer's name. Consumers may also use the proceeds from an existing life insurance policy to pay for their funerals in advance.

Consumers should ask the funeral director to fully explain all the options available to them regarding the establishment of a prepaid funeral agreement.

## Keep the following in mind:

- The Statement of Funeral Goods and Services and Prepaid Agreement must be presented, prepared and signed at the same time. Consumers should not accept any documents that have not been completely filled in and signed in their presence by the funeral directors.
- The money entrusted with the funeral director, ***must*** be deposited in an interest-bearing account or used to purchase a funeral insurance policy within 30 days of the agreement.
- The preneed funeral arrangements may be moved to any funeral home at any time by the consumer.
- Regardless of the options selected, *the money paid to the funeral directors for preneed funerals belongs to the consumer and must be made available to the consumer upon request at any time.*<sup>1</sup>

By law, preneed funerals may only be funded by funeral trusts or funeral insurance policies.

<sup>1</sup> Typically, prepaid agreements are revocable contracts, which allow consumers to cancel the agreements at any time. However, individuals who receive Medicaid or who will qualify for Medicaid within six months of the making of the preneed funeral arrangements, may enter into irrevocable prepaid agreements. In this case, the money cannot be refunded to the consumer and can only be used at the time of the funeral. Note: Establishing an irrevocable prepaid funeral agreement can also assist in meeting the eligibility requirements for Medicaid.

## Funeral Trusts

Consumers who choose to pay for their funerals through funeral trusts, may do so by selecting either a simple trust, in which the money is deposited into a special “payable on death” (“POD”) account with a local bank, or into a “pooled” trust account managed by a trustee.

The POD account must be established in the consumer’s name. The funds in the account can only be paid to the funeral home when the intended funeral recipient has died.

The other type of funeral trust allows preneed money to be pooled with other preneed funds. These trust accounts are managed by a trustee. Pooled funeral trusts of more than 200 people can charge a commission that is not to exceed 1 percent per year. Pooled funeral trusts that consist of fewer than 200 people cannot charge a commission. Individual licensees or funeral directors’ associations may act as trustees of the pooled funds.

## Funeral Insurance Policies

Preneed funeral arrangements can also be funded by funeral insurance policies, which are limited solely to paying the costs of one’s funeral and/or burial. These policies are sold by a number of insurance companies through licensees of the State Board of Mortuary Science of New Jersey.

Like any other insurance policy, at the time of death, the face value of the policy is payable to the policy’s beneficiary, who is responsible for paying the funeral director.

Checks should be made payable to the insurance company — not to the funeral home. Funeral directors frequently earn a commission from the sales of such policies. This fact should be disclosed to the consumer.

## Guaranteed Funerals/Nonguaranteed Funerals

Funeral directors, at their option, may guarantee that the prices charged for the funeral’s goods and services will not be subject to price increases or inflation. This enables the consumer to lock into a funeral at a certain price, regardless of how long it is from the date of the arrangements to the time the funeral actually occurs.

However, funeral directors may elect not to provide price guarantees. In this case, consumers should know that the money prepaid for the funeral may not be sufficient to cover the cost of the funeral at a future date.

Whichever option you select, it must be disclosed in writing to you at the time of the funeral arrangement.

Know the warning signs. There are certain steps consumers can take to make sure their preneed funds are safe.

- Call the bank or association where the funeral trust account has been opened to verify that your preneed money has been deposited.
- In addition to having to be licensed with the Division of Consumer Affairs’ State Board of Mortuary Science of New Jersey, funeral directors who sell funeral insurance policies must also be licensed with the New Jersey Department of Banking and Insurance. Ask to see the funeral director’s licenses.
- Consumers purchasing funeral insurance policies, should receive those policies within a reasonable amount of time. If months have lapsed and you still have not received your policy, call the insurance company.
- Whether you’ve put your preneed funds into a funeral trust account or in a funeral insurance policy, make sure you receive at least one statement each year detailing the status of your account.

**Note:** Before entering into a preneed funeral agreement, discuss your plans with your family and/or attorney to make sure the agreement is consistent with your will and estate planning.

Anyone who has further questions or who believes that he/she has been defrauded by a funeral director, can call the Division of Consumer Affairs’ State Board of Mortuary Science of New Jersey at 973-504-6425 or write to the board at 124 Halsey Street, P.O. Box 45009, Newark, NJ 07101.

# Public Movers and Warehousemen

Licensed as a professional board since 1986, public movers and warehousemen became a part of the Regulated Business Unit of the Division of Consumer Affairs, in its Office of Consumer Protection, in February 1999.

The Regulated Business Unit ensures that every warehouseman or mover provides safe, proper and adequate service and observes the rules and regulations concerning the storage and transportation of your household goods.

Moving family belongings is a time-consuming and important task. Before choosing your mover, check with the Regulated Business Unit to determine if the mover you selected is licensed and in good standing.

## Consumer Tips

- Be sure to get a written estimate from the mover you select. Cost can be estimated based on an hourly rate, the weight of your shipment and the miles traveled, or by cubic measurement.
- Never pack jewelry, money, or valuable papers with your other belongings.
- If you do your own packing the mover is not responsible for damage, unless the container shows evidence of mishandling by the mover. Movers can pack for you, but there is a charge for this service.
- Movers usually prefer cash, a money order, or a certified check.
- Be sure to check your goods as they are delivered. If loss or damage is discovered, notify the mover immediately. A claim can be filed up to 90 days after delivery.
- Movers provide extremely limited protection for damaged goods, unless you purchase additional insurance. Without additional insurance, the mover is required to compensate you only up to sixty cents per pound, per article.

If you have any problems or questions, please call the Regulated Business Unit at 973-504-6442 or 973-504-6512. Remember, take advantage of us so no one takes advantage of you.

# Identity Theft

Thieves have found it can be very profitable to steal your identity. Identity thieves steal your Social Security number, your driver's license number and often your mother's maiden name.

How do thieves get this information? They steal it from your mailbox, retrieve discarded credit card bills and receipts from the trash - an act known as "dumpster diving," they "shoulder surf" - look over your shoulder as you enter your personal identification ("PIN") number at the automated teller machine and buy information from other thieves. They then use your credit card and checking accounts to establish new accounts in your name, creating an identity crisis that can take months, even years, to unravel.

According to the U.S. Secret Service, the average take for a bank robber is about \$2,500. The identity thief runs up bills that average \$20,000 to \$30,000 on each victim. How can you protect yourself?

- Give your Social Security number out only when absolutely necessary. Do not use it for identity purposes and do not carry it in your wallet or purse.
- Don't carry extra credit cards, your Social Security card, birth certificate or passport in your purse or wallet, except when needed.
- If your checks are stolen, cancel your checking account.
- Carefully review your credit card statements, phone bills and cellular phone bills, for unauthorized changes or fraudulent use.
- When creating passwords and PINs do not use the last four digits of your Social Security number, your birthdate, middle name, mother's maiden name or anything that could be easily traced.
- Never give your credit card information over the phone unless you have initiated the call and have a trusted business relationship with the company you have called.
- Pay attention to your billing cycles and contact your creditors if your bills do not arrive on time.
- When ordering new checks, pick them up at the bank instead of having them sent to your home.
- Keep a list of your credit cards, account numbers, expiration dates and phone numbers of customer service departments so you can contact them quickly, if the need arises.
- Always take your credit card receipts and destroy them before disposing of them.
- Order your credit report from the three credit reporting agencies every year. Make sure it is accurate and includes only those activities authorized by you.

Equifax:	1-800-685-1111	<a href="http://www.equifax.com">www.equifax.com</a>
Experian:	1-888-397-3742	<a href="http://www.experian.com">www.experian.com</a>
Trans Union:	1-800-888-4213	<a href="http://www.transunion.com">www.transunion.com</a>
Trans Union Fraud Victim Assistance :	1-800-680-7289	

If you do become a victim of identity theft, file a police report and keep a copy of it in case your creditors need proof of the crime.

# Keep Your Personal Information Private

## A Guide to Laws that Protect Your Privacy

Federal law now requires financial institutions with which you have an ongoing customer relationship to provide you with a privacy notice by July 1, 2001. Every bank, credit card company, insurance company, security firm or other financial institution, must provide its customers with a privacy notice that: (1) describes how it handles personal nonpublic information; and (2) explains how customers can take action to limit the disclosure of their personal information to others. **“Under this law, your financial institution may share your personal information with other businesses unless you take action to limit that disclosure.”**

### The burden is on you to act.

It has been estimated that approximately 1.6 trillion privacy notices will be provided, nationwide, by financial institutions during 2001. Please review the information below, so that you will be prepared to take action when you receive your privacy notices

### When will I receive privacy notices?

By July 1, 2001, you must be given a privacy notice from every bank, insurance company or other financial institution with which you have an ongoing customer relationship. You must be provided with a privacy notice at least once a year after the initial privacy notice for as long as you remain a customer.

Even if you do not have an ongoing customer relationship, you must be given a privacy notice if a financial institution has personal, nonpublic information about you that it wants to disclose. For example, if you purchase, or apply for, a financial product or service, that financial institution cannot disclose your nonpublic, personal information without providing you with the same privacy notice that it must give to its customers.

### What must a privacy notice contain?

1. A list of the types of nonpublic personal information it collects.
2. A list of the types of nonpublic personal information that it discloses to others.
3. A list of the types of related and unrelated businesses to which it discloses nonpublic information.
4. If the business contracts with unrelated businesses for service or joint marketing, it must list the types of businesses that it has contracts with and the types of nonpublic personal information that will be disclosed for these purposes.
5. Details on how it may share personal information about former customers.
6. A statement that other disclosures may be made as permitted by law.

A privacy notice must also contain a description of how you can take action to keep your nonpublic information from being disclosed to others. The right to take action to keep your information private is often called a right to “Opt Out,” because it gives you the opportunity to take action to exclude your personal information from future disclosures.

A privacy notice will describe two different “Opt Out” rights that allow you to take action to restrict how your financial institution may disclose (1) your personal information to an unrelated business; and (2) your credit information to a related business. A “related” business is a business that shares a common ownership with your financial institution.

A financial institution may state in its privacy notice that it will never disclose any type of nonpublic, personal information to any type of related or unrelated business except as permitted by law. If your financial institution already restricts disclosure of nonpublic personal information, then it does not need to describe any “Opt Out” rights.

## What is nonpublic personal information?

Nonpublic personal information is any information about you that is not available to the general public. For example, if you have a listed phone number, it is available to the general public. If your phone number is not listed, it must be treated as nonpublic personal information.

Nonpublic personal information includes: (1) any information about you collected by a financial institution from you or other sources that is not available to the general public; and (2) any information about your account, policy or credit card purchases or payment history. Even the fact that you applied for or received a financial service or product is nonpublic, personal information; if you "Opt Out," your name cannot appear on a customer list for that financial institution.

## Exceptions and Limitations

These "Opt Out" rights do not apply to the disclosure of information allowed to be shared by law, or to the disclosure of information necessary to process your application, or to provide a financial product or service.

## How can you Opt Out?

The privacy notice you will receive will explain how to Opt Out. Your financial institution is required to provide you with a reasonable means to Opt Out, so your privacy notice may include:

- a reply form or prominent check off box to Opt Out;
- a toll free number to Opt Out; or
- an electronic Opt Out, if you have agreed to the electronic delivery of information.

You may be required to follow one procedure to Opt Out of disclosures to unrelated businesses and a different procedure to Opt Out of disclosures to related businesses.

## Related Businesses

You have the right, under the Fair Credit Reporting Act ("FCRA") to keep a financial institution from disclosing certain types of credit information to related businesses. This Opt Out right is limited to credit report information. Your financial institution will be able to disclose other nonpublic personal information about you to its related businesses, even if you Opt Out of having your credit information disclosed. Thus, opting out won't end telemarketing calls or junk mail, but it will reduce them. It may also reduce your chances of becoming a victim of identity theft. Further, opting out will indicate to financial institutions and elected representatives that privacy is important to you.

Your privacy notice must explain how you can Opt Out to keep your personal credit information from being disclosed to a related business. Credit information includes information about your credit worthiness, credit standing, credit capacity, character, general reputation, mode of living, but does not include information about your transactions with your financial institution or other types of nonpublic personal information.

## Unrelated Businesses

Your privacy notice from a financial institution must explain how you can elect to Opt Out to keep your nonpublic personal information from being disclosed to an unrelated business.

## When can I Opt Out?

You can opt out at any time. If you do not choose to opt out within a reasonable time after receiving your privacy notice, your financial institution may begin disclosing your nonpublic personal or credit information until you do opt out. So, if you want to opt out, you should do so as soon as possible.

## **How long will my Opt Out last?**

Your election to Opt Out will continue to protect your personal information from disclosure in the future for as long as you maintain your customer relationship. So, even though you will receive annual privacy notices explaining your right to Opt Out, you do not need to opt out more than once. Your Opt Out election will only end when you tell a financial institution that it may disclose your personal information to others. If you stop doing business with a financial institution, you should Opt Out again if you become a customer again in the future.

## **Do these rights apply to financial products or services that I purchase on the Internet?**

Yes. The privacy notice requirements and Opt Out rights apply to all business you may transact with a financial institution, including transactions conducted over the Internet.

## **Does my Opt Out right apply to my medical information?**

Yes. Nonpublic personal information would include any medical or health related information collected by financial institutions. Please check your privacy notice from your insurance company or other financial institution for details on how your personal medical or health information will be treated.

If you receive an Opt Out agreement which is too difficult to understand or if you believe a financial institution is ignoring your request, contact the New Jersey Division of Consumer Affairs, part of the Attorney General's office, at 973 504 6200 or visit our Web site at: [www.state.nj.us/lps/ca/home.htm](http://www.state.nj.us/lps/ca/home.htm).



# Credit Card Skimming

*You hand your credit card to the waiter or waitress at your favorite restaurant and you expect to pay for your meal, but sometimes that's not all you're paying for.*




An electronic credit card reader, or “skimmer,” is a device which was designed to be used with cash registers and/or credit card machines. The skimmer gathers information - including your name, address, telephone number, card number, credit limit and PIN number - which is encoded in the magnetic stripe on the back of your card. When used legitimately, this information is collected and telephoned in for approval. When used illegitimately, the process is called “skimming” and according to the U.S. Secret Service it is one of the fastest growing ploys used by criminals.

How does it work? During the skimming process your card is swiped a second time, using a small, hand-held device, similar to a pager. The skimmer captures your information and re-encodes it on the magnetic stripe of a plain plastic card or stores the information in the device itself so it can be downloaded later for illegal purposes. Yes, with one swipe of your card a criminal can take the information he or she has captured and make unauthorized purchases.

Frequently, individuals doing the skimming are employees of the establishment - often gas stations or restaurants. They will pull the small skimming device out of their pocket, swipe your card and hide it before anyone realizes what has happened. If they don't use the information themselves they are often paid a flat fee, or on a per card basis, for the information they steal.

Although banks and credit card companies will generally absorb the losses generated by skimming, they usually offset these costs by increasing your interest rates and fees. Be aware of the potential for this type of fraud.

## Consumer Tips

-  Try to keep an eye on your credit card at all times, if possible.
-  Keep your receipts.
-  Review your account statements carefully, and notify your bank immediately of any discrepancies.

# Playing It Safe on the Internet

The Internet brings a global marketplace of information, products and services into the privacy of our homes every day. Shopping at home might make you forget that you're still doing business...out there. In fact, you and your fellow "e-consumers" probably need to be more cautious in cyberspace than you are on Main Street or in the mall. That's because as **you** gather information from the Internet, the Internet is gathering information about **you**...sometimes without your knowledge. Some businesses will use the information you provide for fraudulent purposes.

No one wants to lose money on an Internet transaction, but losing personal information—your identity—could do even more long-term damage to your financial well-being. Here are some tips to protect yourself and those you care about:

## Getting Personal

### Before giving any personal information to a Web site:

Review the Web site's privacy policy statement to learn what information is gathered or tracked, how it is used and with whom the information is shared, as well as your ability to correct the information. Does the Web site allow you to "opt-in," or wait for you to tell them whether to share your personal information, or must you "opt-out," or take action to stop the sharing? Some Web sites display the logo of TRUSTe, an organization that promotes the disclosure of information practices and reviews and audits its members' privacy practices for compliance. While such an endorsement may be comforting, there is no substitute for doing your own homework when surfing the Internet.

Recognize the "red flags" including requests for your password, Social Security number and checking account number. **Legitimate Web sites do not ask for this information.** Be alert for "billing error" and "Y2K" scams, where fraudulent Web site operators pose as your Internet Service Provider (ISP) or another common vendor and request that you "reconfirm" account information. Shopping Web sites should not require your credit card number until you have selected and confirmed your purchases. Finally, remember that giving information to online surveys, contests and chat rooms today can lead to unwanted e-mail—"spam"—tomorrow.

Understand that Web sites collect information with your knowledge, as well as without. Certain Web sites deposit a "cookie," or a text block of information, on the hard drive of your computer. When you revisit the site, that cookie will act as an identifier to let the Web site know that you are back. Cookies may be used to tell Web site businesses and their advertisers about your preferences, such as the type of music you order online. You may set your computer to alert you when a Web site is trying to deposit a cookie, or you may refuse to accept any cookies. Be forewarned that the practice of depositing cookies is widespread, and if you decline cookies, you will deny yourself entry to many Web sites. To control cookies in Netscape, go to "Edit-Preferences-Advanced." Other Internet gateways also offer ways to control cookies.

## Buyer Beware

### Before shopping and using auction Web sites:

Use CREDIT CARDS, not checks or money orders, so that failed purchases may be disputed. Give your credit card number only after you have thoroughly checked the business or auction seller through multiple sources—not just the Internet—and have verified a physical "brick and mortar" address as well as a telephone number. If unavailable, check the Web site's homepage for reference to the Internet Service Provider (ISP), the business that "hosts" the Web site. Call the ISP and request all available information about the business.

Use every "consumer protection" service offered by the Web site business or auction. These include escrow, insurance, authentication services for collectibles and verification and rating of auction participants. The extra cost charged for some of these services is well worth it!

## Parents on Guard

### Before Children and Teens Go Online:

Use filtering software, which can be downloaded from many Internet service providers for free, in order to screen out adult content, hate speech and other objectionable material. Filtering software may also be purchased.

Find out where they go by clicking on “Communicator–Tools–History.” Information that is tracked includes the title of the Web page, the Web site address, the time the site was visited and the number of times it was visited. To set the number of days that the history will accumulate, go to “Edit–Preferences–Navigator.”

Keep tabs on their “virtual friends.” Ask your children about their use of free e-mail and instant messages, two ways that children communicate with their friends privately, outside the scrutiny of the family’s household e-mail address. Make sure that their e-mail and screen names bear no resemblance to the family e-mail address or to their names. Their personal profiles, which may be viewed by strangers, should be left blank. Ask to see a list of your children’s message “buddies,” and find out with whom each child communicates.

Raise a smart consumer. Children should learn that private information they leave at a Web site when registering, entering contests and completing surveys might be used to help businesses sell more products to them. Along with your children, learn about the products promoted by the Web site offering free e-mail, as well as the Web site’s privacy policy.

### Spot a Problem?

Begin by sending a complaint to the offending Web site, but don’t stop there. Contact the Web site’s host, or Internet Service Provider, often identified at the bottom of the homepage, as well as your own Internet Service Provider company. Report Web site and auction credit card fraud to your credit card company.

If you suspect deception or fraud in your dealings with individuals and businesses on the Internet, contact us via e-mail at [AskConsumerAffairs@lps.state.nj.us](mailto:AskConsumerAffairs@lps.state.nj.us). You may also write to the Office of Consumer Protection, Division of Consumer Affairs, P.O. Box 45025, Newark, New Jersey 07101 or call 973-504-6200 and ask for a complaint form. TDD is available at (973) 504-6588.

# N.J. Department of Law & Public Safety

## Division of Consumer Affairs

### NEWARK

124 Halsey Street  
P.O. Box 45025  
Newark, NJ 07101  
(973) 504-6200  
(800) 242-5846

### CAMDEN

2 Riverside Drive  
Suite #403  
Camden, NJ 08103  
(856) 614-3100

E-Mail: [AskConsumerAffairs@lps.state.nj.us](mailto:AskConsumerAffairs@lps.state.nj.us)  
TDD at 973-504-6588

### County & Municipal Consumer Affairs Offices

ATLANTIC COUNTY .....	(609) 345-6700	ext. 2475
BERGEN COUNTY .....	(201) 336-6400	
Maywood .....	(201) 845-5749	
Ridgefield Park .....	(201) 641-4956	ext. 612
BURLINGTON COUNTY.....	(609) 265-5054	
CAMDEN COUNTY.....	(856) 374-6161	
CAPE MAY COUNTY.....	(609) 463-6475	
CUMBERLAND COUNTY .....	(856) 453-2203	
ESSEX COUNTY .....	(973) 395-8350	
Livingston .....	(973) 535-7976	
Nutley .....	(973) 284-4975	
GLOUCESTER COUNTY .....	(856) 384-7702	
HUDSON COUNTY.....	(201) 795-6295	
Secaucus .....	(201) 330-2008	
HUNTERDON COUNTY .....	(908) 806-5174	
MERCER COUNTY.....	(609) 989-6671	
MIDDLESEX COUNTY.....	(732) 745-3875	
Middlesex Borough .....	(732) 356-8090	ext. 250
Perth Amboy .....	(732) 826-4300	
MONMOUTH COUNTY.....	(732) 431-7900	
OCEAN COUNTY.....	(732) 929-2105	
PASSAIC COUNTY.....	(973) 305-5881	
SOMERSET COUNTY .....	(908) 231-7000	ext. 7400
UNION COUNTY.....	(908) 654-9840	
Plainfield .....	(908) 753-3519	
Union Township .....	(908) 851-5477	

# **NEW JERSEY EASE NUMBER 1-877-222-3737**

## **County Offices on Aging**

**ATLANTIC (1-888-426-9243)**  
Atlantic Co. Div. Intergenerational Services  
Shoreview Building, Office 218  
101 South Shore Road  
Northfield, NJ 08225

**GLOUCESTER (856-384-6910)**  
Gloucester Co. Div. on Aging  
Rt. 45 and Budd Blvd., P.O. Box 337  
Woodbury, NJ 08096

**BERGEN (201-336-7400)**  
Bergen Co. Div. Senior Services  
One Bergen County Plaza, 2nd Floor  
Hackensack, NJ 07601-7000

**HUDSON (201-271-4322 or 1-888-357-7715)**  
Hudson Co. Office on Aging  
595-Co. Avenue, Bldg. 2  
Secaucus, NJ 07094

**BURLINGTON (609-265-5069)**  
Burlington Co. Office on Aging  
County Office Building  
49 Rancocas Road, PO Box 6000  
Mount Holly, NJ 08060

**HUNTERDON (908-788-1363/1362)**  
Hunterdon Co. Office on Aging  
Community Services Building  
6 Gauntt Place  
Flemington, NJ 08822

**CAMDEN (1-800-955-2446)**  
Camden Co. Div. Senior Services  
Parkview on the Terrace  
700 Browning Road, Suite 11  
W. Collingswood, NJ 08107

**MERCER (609-989-6661)**  
Mercer Co. Office on Aging  
640 S. Broad Street  
P.O. Box 8068  
Trenton, NJ 08650-0068

**CAPE MAY (609-886-2784)**  
Cape May Co. Dept. of Aging  
Social Services Building  
4005 Route 9, South  
Rio Grande, NJ 08242

**MIDDLESEX (732-745-3295)**  
Middlesex Co. Office on Aging  
Administration Building  
John F. Kennedy Square  
New Brunswick, NJ 08901

**CUMBERLAND (856-453-8066)**  
Cumberland Co. Office on Aging  
Administration Building  
790 East Commerce Street  
Bridgeton, NJ 08302

**MONMOUTH (1-732-431-7450)**  
Monmouth Co. Office of Aging  
Hall of Records Annex  
One East Main Street  
Freehold, NJ 07728

**ESSEX (973-395-8375)**  
Essex Co. Div. on Aging  
50 South Clinton St, Suite 3200  
East Orange, NJ 07018

**MORRIS (1-800-564-4656)**  
Morris Co. Div. on Aging  
P.O. Box 900  
Morristown, NJ 07963-0900

OCEAN (1-800-668-4899)  
Ocean Co. Office of Senior-Services  
P.O. Box 2191  
Toms River, NJ 08754-2191

PASSAIC (973-881-4950)  
Passaic Co. Office on Aging  
209 Totowa Road  
Wayne, NJ 07470

SALEM (856-935-7510 ext. 8446)  
Salem Co. Office on Aging  
98 Market Street  
P.O. Box 103  
Salem, NJ 08079

SOMERSET (1-888-747-1122)  
Somerset Co. Office on Aging  
614 First Avenue  
Raritan, NJ 08869

SUSSEX (973-579-0555)  
Sussex Co. Office on Aging  
Sussex Co. Administration Building  
1 Cochran Plaza  
Newton, NJ 07860

UNION (1-888-280-UCAN) (8226)  
(908-527-4870/4872)  
Union Co. Div. on Aging  
Administration Building  
Elizabeth, NJ 07202

WARREN (908-475-6593/6591)  
Warren Co. Office on Aging  
Wayne Dumont Jr. Admin. Bldg.  
165 Co. Road, Suite 245  
Route 519 South  
Belvidere, NJ 07823-1949

# Professional and Occupational Boards and Committees

Acupuncture Examining Board	(609) 826-7100
Alcohol and Drug Counselor Committee	(973) 504-6582
Athletic Training Advisory Committee	(609) 826-7100
Audiology and Speech-Language Pathology Advisory Committee	(973) 504-6390
Board of Examiners of Electrical Contractors	(973) 504-6410
Board of Pharmacy	(973) 504-6450
Electrologists Advisory Committee	(973) 273-6377
Fire Alarm, Burglar Alarm and Locksmith Advisory Committee	(973) 273-6245
Hearing Aid Dispensers Examining Committee	(973) 504-6331
Home Inspection Advisory Committee	(973) 273-6233
Interior Design Examination and Evaluation Committee	(973) 504-6385
Joint Committee of Architects and Engineers	(973) 504-6385
Landscape Architect Examination and Evaluation Committee	(973) 504-6385
Massage, Bodywork and Somatic Therapy Examining Committee	(973) 504-6493
Medical Practitioner Review Panel	(609) 826-7100
New Jersey Board of Nursing	(973) 504-6430
New Jersey Cemetery Board	(973) 504-6553
New Jersey State Board of Accountancy	(973) 504-6380
New Jersey State Board of Architects	(973) 504-6385
New Jersey State Board of Cosmetology and Hairstyling	(973) 504-6400
New Jersey State Board of Dentistry	(973) 504-6405
New Jersey State Board of Optometrists	(973) 504-6440
Occupational Therapy Advisory Council	(973) 504-6570
Orthotics and Prosthetics Board of Examiners	(973) 504-6445
Perfusionists Advisory Committee	(973) 504-6378
Physician Assistant Advisory Committee	(973) 504-6580
Professional Counselor Examiners Committee	(973) 504-6582
State Board of Chiropractic Examiners	(973) 504-6395
State Board of Examiners of Master Plumbers	(973) 504-6420
State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians	(973) 504-6435
State Board of Marriage and Family Therapy Examiners	(973) 504-6415
State Board of Medical Examiners	(609) 826-7100
State Board of Mortuary Science of New Jersey	(973) 504-6425
State Board of Physical Therapy	(973) 504-6455
State Board of Professional Engineers and Land Surveyors	(973) 504-6460
State Board of Professional Planners	(973) 504-6465
State Board of Psychological Examiners	(973) 504-6470
State Board of Respiratory Care	(973) 504-6485
State Board of Shorthand Reporting	(973) 504-6490
State Board of Social Work Examiners	(973) 504-6500
State Board of Veterinary Medical Examiners	(973) 504-6500
State Real Estate Appraiser Board	(973) 504-6480

## OTHER CONTACT NUMBERS

Consumer Affairs Senior Hotline	1-877-746-7850
Consumer Affairs Hotline	1-800-242-5846
Charities Registration Hotline	973-504-6215
Consumer Affairs Action Line	973-504-6200
(For complaint history)	
Consumer Service Center	973-504-6200 or 1-800-242-5846
(To file a complaint & referral information)	
Lemon Law Unit	973-504-6226
(New car, used car, wheelchair)	
Kosher Food Enforcement	973-504-6100
Regulated Business Section	973-504-6370
N.J. Ease (for Statewide Senior Services)	1-877-222-3737
Operation Restore Trust (Suspect Medicare/Medicaid Fraud)	1-800-792-8820
N.J. Insurance Fraud Prosecutor (Medicaid or Insurance Fraud)	1-877-553-7283
Medicare Customer Service	1-800-462-9306
Empire Part "B"	
P.A.A.D. (Pharmaceutical Assistance to the Aged & Disabled)	1-800-792-9745
S.H.I.P. (formerly "CHIME") - see county listings, Page 43	
N.J. Board of Public Utilities	973-648-2026 1-800-624-0241
(Complaints/Inquiries)	
Cable TV Complaints	1-800-624-0331
General Information	973-648-2026
State Office of Victim and Witness Advocacy	609-588-7900
Federal Trade Commission Do Not Call Registry	1-888-382-1222



# Complaint Forms

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ ZIP: \_\_\_\_\_  
Home Telephone Number: \_\_\_\_\_  
Work Telephone Number: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

Business: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_ ZIP: \_\_\_\_\_  
Telephone Number (1): \_\_\_\_\_  
Telephone Number (2): \_\_\_\_\_

For statistical and informational purposes only. Your age: 18-29 30-44 45-59 60 or

1. Nature of complaint (please check the appropriate box(es)):

Automotive	Automotive Repairs	Banking	Credit Ca
Charity	Direct Mail/Sweepstakes	Home Repair	Internet/Telecom
Professional Service	Stocks/Securities	Telemarketing	Advertisi
Bingo/Raffle	Health Club	Warranty	New Car
Wheelchair Lemon Law	Weighing/Measuring Devices	Used Car Lemon Law	
Other (specify) _____			

2. If your complaint involves a motor vehicle, please provide the following information:

a. New Used  
b. Purchased Leased  
c. Purchase Price \_\_\_\_\_ Current Mileage \_\_\_\_\_  
d. Date of purchase \_\_\_\_\_ With Warranty With Service Contract /  
e. Make \_\_\_\_\_ Model \_\_\_\_\_ Year \_\_\_\_\_

3. Name of company with which you dealt: \_\_\_\_\_



**State of New Jersey**  
 DEPARTMENT OF LAW AND PUBLIC SAFETY  
 DIVISION OF CONSUMER AFFAIRS  
 P.O. Box 45025  
 NEWARK, NEW JERSEY 07101  
 (973) 504-6200  
 (800)-242-5846  
 E-Mail: [AskConsumerAffairs@lps.state.nj.us](mailto:AskConsumerAffairs@lps.state.nj.us)

Please be advised that any information you supply on this complaint form may be subject to public disclosure. If an investigation into the matter is conducted, the information is subject to public disclosure only after the completion of the investigation. You are also advised that the completed complaint form is a "government record," which the Board may be obligated to provide to anyone making a request pursuant to the Open Public Records Act (OPRA).

COMPLAINT REPORTED BY:	COMPLAINT REPORTED AGAINST:
NAME: _____	BUSINESS: _____
ADDRESS: _____	ADDRESS: _____
CITY: _____	CITY: _____
STATE: _____ ZIP: _____	STATE: _____ ZIP: _____
HOME TELEPHONE NUMBER: _____ <small>(include area code)</small>	TELEPHONE NUMBER (1): _____ <small>(include area code)</small>
WORK TELEPHONE NUMBER: _____ <small>(include area code)</small>	TELEPHONE NUMBER (2): _____ <small>(include area code)</small>
E-MAIL ADDRESS: _____	

**For statistical and informational purposes only.** Your age: ☐ 18-29 ☐ 30-44 ☐ 45-59 ☐ 60 or older

1. Nature of complaint (please check the appropriate box(es)):

- |   |   |   |  |
|---|---|---|--|
| <input type="checkbox"/> Automotive           | <input type="checkbox"/> Automotive Repairs         | <input type="checkbox"/> Banking            | <input type="checkbox"/> Credit Card         |
| <input type="checkbox"/> Charity              | <input type="checkbox"/> Direct Mail/Sweepstakes    | <input type="checkbox"/> Home Repair        | <input type="checkbox"/> Internet/Cyberspace |
| <input type="checkbox"/> Professional Service | <input type="checkbox"/> Stocks/Securities          | <input type="checkbox"/> Telemarketing      | <input type="checkbox"/> Telecommunications  |
| <input type="checkbox"/> Bingo/Raffle         | <input type="checkbox"/> Health Club                | <input type="checkbox"/> Warranty           | <input type="checkbox"/> Advertising         |
| <input type="checkbox"/> Wheelchair Lemon Law | <input type="checkbox"/> Weighing/Measuring Devices | <input type="checkbox"/> Used Car Lemon Law | <input type="checkbox"/> New Car Lemon Law   |
| <input type="checkbox"/> Home Furnishings     | <input type="checkbox"/> Other (specify) _____      |   |  |

2. If your complaint involves a motor vehicle, please provide the following information:

- a. ☐ New ☐ Used
- b. ☐ Purchased ☐ Leased
- c. Purchase Price \_\_\_\_\_ Current Mileage \_\_\_\_\_
- d. Date of purchase \_\_\_\_\_ ☐ With Warranty ☐ With Service Contract ☐ As Is
- e. Make \_\_\_\_\_ Model \_\_\_\_\_ Year \_\_\_\_\_

3. Name of company with which you dealt: \_\_\_\_\_

4. Name and title of company agents or employees with whom you dealt: \_\_\_\_\_

- [illegible]

- 
- 
- 

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*Date*

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*Elder Fraud*

State of New Jersey  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BUREAU OF SECURITIES  
P.O. Box 47029  
153 HALSEY STREET  
NEWARK, NEW JERSEY 07101  
(973) 504 - 3600  
E-MAIL: AskConsumerAffairs@lps.state.nj.us

Please be advised that any information you supply on this application may be subject to public disclosure. If an investigation into the matter is conducted, the information is subject to public disclosure only after the completion of the investigation. You are also advised that the completed complaint form is a "government record," which the Bureau of Securities may be obligated to provide to anyone making a request pursuant to the Open Public Records Act (OPRA).

COMPLAINT REPORTED BY:

COMPLAINT REPORTED AGAINST:

NAME: _____	FIRM NAME: _____
ADDRESS: _____	ADDRESS: _____
CITY: _____	CITY: _____
STATE: _____ ZIP: _____	STATE: _____ ZIP: _____
HOME TELEPHONE NUMBER: _____ (include area code)	TELEPHONE NUMBER (1): _____ (include area code)
WORK TELEPHONE NUMBER: _____ (include area code)	TELEPHONE NUMBER (2): _____ (include area code)
E-MAIL ADDRESS: _____	

The Bureau of Securities investigates complaints against individuals and firms selling securities or offering investment advice as well as companies issuing securities investments. The Bureau is empowered to bring administrative actions or civil law suits to enforce the registration and anti-fraud provisions of the New Jersey Uniform Securities Act. The Bureau may refer certain matters for criminal prosecution.

1. Type of firm (if known). Please check the appropriate box:

- ☐ Securities Brokerage Firm ☐ Investment Advisory Firm ☐ Financial Planning Firm  
☐ Other (specify): \_\_\_\_\_

2. Name and title of firm's agents or employees with whom you dealt: \_\_\_\_\_

If known, type of professional designation used:

- ☐ Stockbroker (Agent) ☐ Investment Advisor ☐ Other (specify): \_\_\_\_\_

3. How was the initial solicitation made:

- ☐ Telephone ☐ Mail ☐ Seminar  
☐ Other (specify): \_\_\_\_\_

4. Type of investment product involved in your complaint:

- ☐ Stocks ☐ Bonds ☐ Mutual Funds ☐ Limited Partnerships  
☐ Other (specify) \_\_\_\_\_

***Please continue on reverse side  
Do not write below this line***

Date received: \_\_\_\_\_ Case #: \_\_\_\_\_ Investigator: \_\_\_\_\_  
Status #: \_\_\_\_\_  
Data INIT: \_\_\_\_\_

- If "Yes", please note the name and address of those you have contacted below:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ ZIP: \_\_\_\_\_

- If "Yes", please note the name and address of those you have contacted below:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ ZIP: \_\_\_\_\_

- 
- This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on the right side, suggesting it's resting on a surface.

10. The funds used for investment were originally drawn from:

- ☐ Other (specify): \_\_\_\_\_

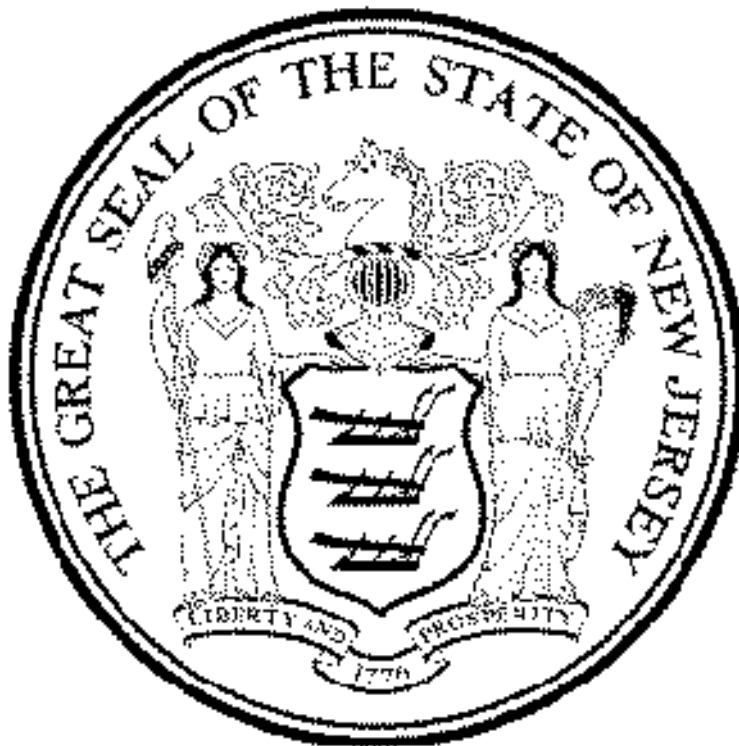
- ☐
- Over 70

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*Date*

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## *Notes*



State of New Jersey  
Department of Law and Public Safety  
Division of Consumer Affairs  
124 Halsey Street  
Newark, NJ 07102  
973-504-6200  
800-242-5846  
E-Mail: [AskConsumerAffairs@lps.state.nj.us](mailto:AskConsumerAffairs@lps.state.nj.us)